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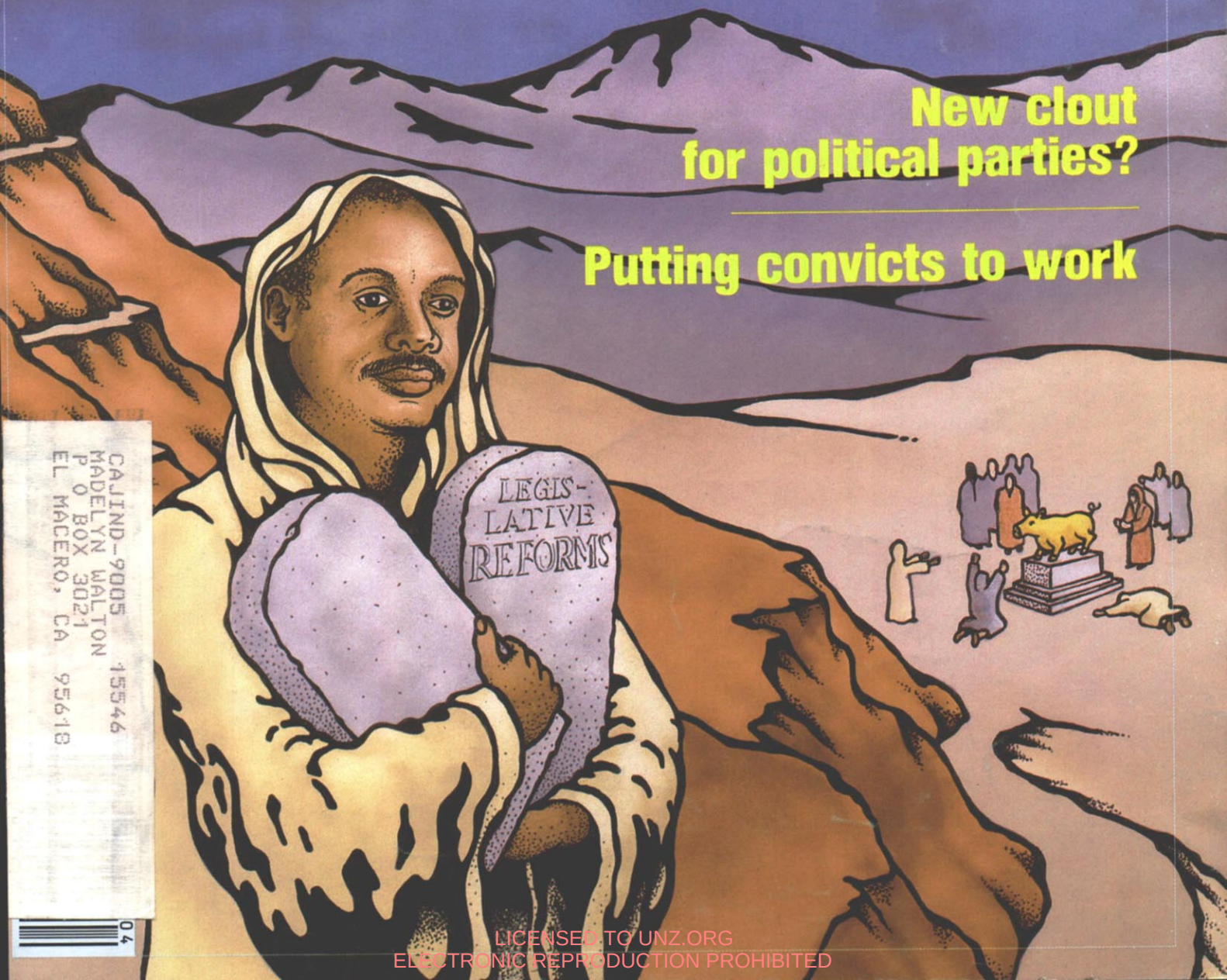

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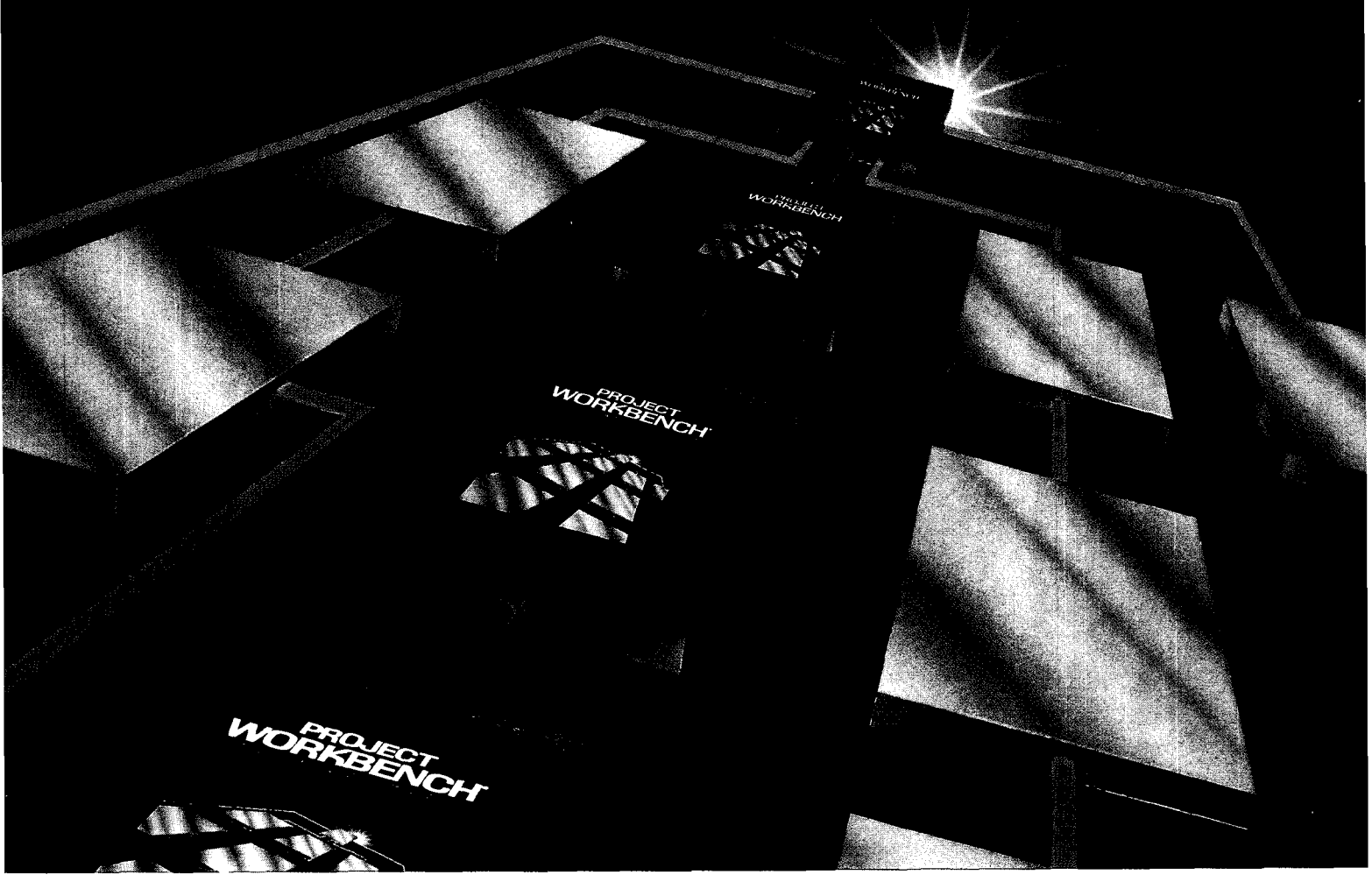

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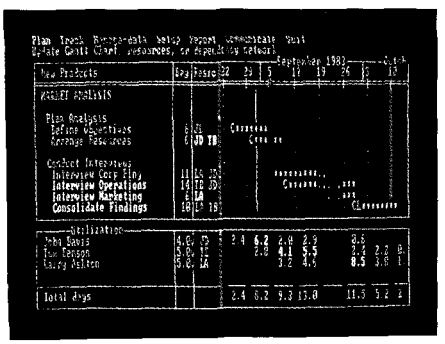

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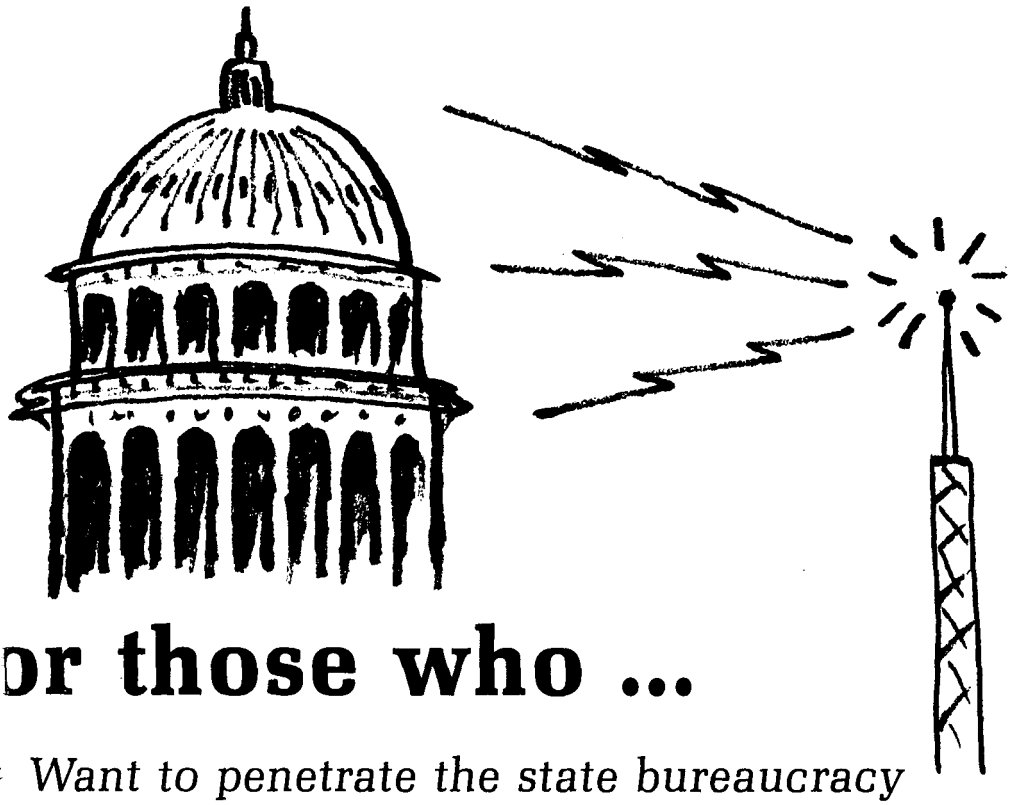

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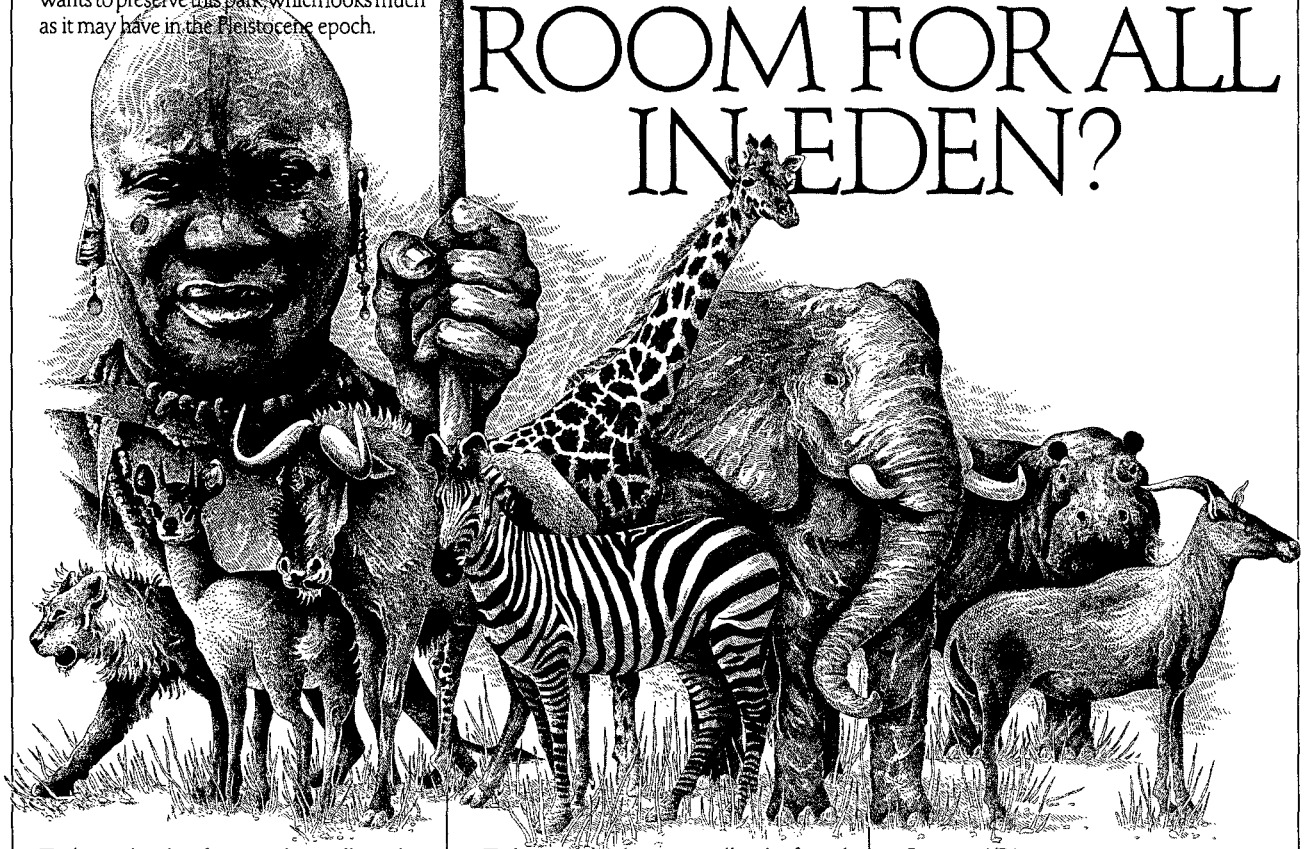
The Masai people of Tanzania named it "siringet"—meaning "an extended place." We know it as Serengeti, one of the greatest environmental spectacles on earth. But all is not perfect in paradise.

Wildlife or People?

The United Republic of Tanzania earnestly wants to preserve this park which looks much as it may have in the Pleistocene epoch.



To this end, only a few people are allowed to live there.

But each year, a growing population, often plagued by poverty and hunger, crowds the park borders.

On one side, seminomadic herdsmen and their livestock push in—creating the problems of overgrazing and a strain on water resources.

On another boundary, the contrast between a park teeming with animals and poor, hungry families living on its fringes has inevitably led to illegal poaching.

The African Paradox.

Torn between the demands for grazing land and food—and the needs of the wildlife—Tanzania seeks a balance. Thirty years ago, in the face of intense pressure from pastoral Masai, it established a large multi-use-land area where some farming and grazing by local inhabitants were allowed. But the central plain was reserved for wild animals.

Today, a real solution is still to be found. Tanzania has come to a crossroads. It wants the world to understand that the park should be dedicated to the preservation of the animals and their habitat. But its equal goal is improved and more civilized conditions for the people of the region. The answer is not one or the other. Both have the right to existence. Both must be considered.

The Search for Balance.

The people of Chevron are learning about that kind of balance—and are working to meet the needs of nature as well as humans. Like creating and maintaining an endangered species preserve within an industrial area. And insuring the future of the Gunnison Gorge environmental treasure, through the gift of precious water rights to The Nature Conservancy. And now, helping to extend new insight and information through meaningful Public Television programming.

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Share the Serengeti with those who love and care for it. Experience their emotional attachment to this African Eden.

Do people seek to balance the protection of nature with the needs of today's world?

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CALIFORNIA Journal

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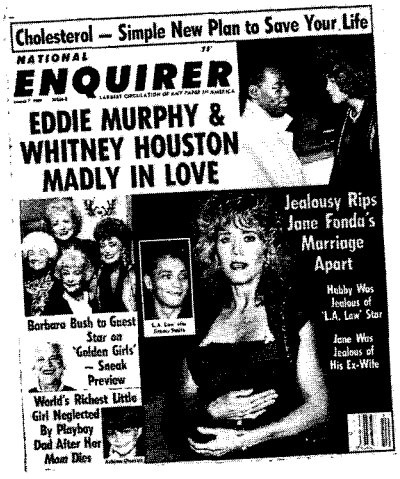
UP FRONT

Just another California assemblyman. That was *Newsweek's* conclusion about the fate of Tom Hayden now that he's announced a separation from his wife, actress Jane Fonda. If so, it wasn't before the couple had at least one last fling on the front pages of the tabloids. For those of you who didn't get to the supermarket that week, the *National Enquirer* revealed that "Jealousy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EDDIE MURPHY & WHITNEY HOUSTON MADLY IN LOVE
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WHITNEY HOUSTON MOVES IN WITH EDDIE MURPHY FOR TRIAL MARRIAGE
Star
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Rips Jane Fonda's Marriage Apart," while the *Star* insisted that Fonda was "set to kiss off $100 million fortune to cheating husband." The two tabloids went on in some detail about who might have been kissing whom, and when. The stories mostly focused on Jane, who after all is the star here. Hayden is continually referred to as her "hubby." But we were disappointed that there were no comments from Orange County Republican Assemblyman Gil Ferguson, who perhaps stands to lose the most if the couple should stay apart. Ferguson has raised big bucks for the GOP by raising the spectre of the Hayden-Fonda team. It just won't be the same if they are no longer together.

Political pooh-bah Richie Ross, who made his reputation in the political consulting game by having the quickest hit-piece in town, apparently wants us all to think that he's really turned over a new leaf. You may remember that it was Richie who said he would "study at the feet of the masters" after losing some embarrassing Assembly races a few years back on behalf of his then-boss, Speaker Willie Brown, who had given Richie exclusive rights to run tough Democratic campaigns. Richie lost that exclusive contract, but his studies turned out to be remarkably brief, and he was soon back running campaigns. Some of those hit pieces didn't work too well and Richie became an advocate of the "high road" style of campaigning — at least when it might work. Now he's sent out a press release touting an award he received from the San Diego chapter of the National Association of Christians and Jews because of the "uplifting" reelection campaign he ran on behalf of Lucy Killea. Times certainly change. The last unsolicited communication we got from Richie was an invitation to peruse some "dirt" he had dug up on an opposition candidate.

Hey, smokers. Are you tired of being forced out in the rain to enjoy your favorite filter tip? Are you continually harassed when lighting up after a pizza and beer? Do you resent passers-by squirting water on the end of your afternoon stogie? Then *The Great American Smoker's Manual* is for you. The 56-page pep talk is published by Philip Morris, a kingpin in the American tobacco industry, and is a counterattack against the passage of a cigarette tax (Proposition 99) in November 1988 and the disappearance of places where smokers may light up. The *Manual* is chocked full of cartoons, quotations and advice, as well as arguments on why the tobacco industry is good for the American economy (jobs, exports, revenue, taxes, ad infinitum). Various chapters remind smokers of their rights in the workplace, on airlines and in restaurants. And there is a "smoker's action guide" which provides samples of letters that can be dashed off to lawmakers, newspapers and bureaucrats. There is also a pep talk dedicated to getting along with non-smokers, urging courtesy and humor. For example, when confronted by irate non-smokers, the booklet suggests fending them off with these light-hearted ripostes: "I used to be a chain smoker, but I switched to cigarettes." Or, "Smoking is the leading cause of statistics." Or, "There are two reasons why some people don't mind their own business. One is they don't have any mind. The other is they don't have any business." Well, sort of lighthearted. "With simple politeness and a determination to defend your rights as a smoker," the booklet insists, "you can decrease the tension between smoker and non-smoker."

How well are we represented? According to a Census Bureau report released earlier this year, there were 504,404 popularly elected government officials in the United States in 1987. While this may sound like Americans are well represented, it actually translates into one elected official for every 478 people.

California, however, has an average of one elected official for every 1,418 people (based on total population of 27,338,000 for 1987). The Census Bureau report indicated that the Golden State had a total of 19,279 elected government officials. Of these, 99 percent or 19,064 were local officials, such as boards of supervisors, school district officials, elected commissioners and judicial officers.

Compared with national statistics, the Census Bureau reported that 96.3 percent (485,691) were county, municipal or smaller local government officials, while only 3.7 percent, or 18,713, were federal or state officials. Illinois topped the Census Bureau's list as the state with the most state and local elected officials. It has a total of 38,936, of which 38,310 are local officials. Based on Illinois' 1987 population of

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11,569,000, the "log cabin" state has an average of one elected official for every 297 people.

While California is the most populous state, it ranks only seventh in total number of elected officials with 19,279. It fell behind Pennsylvania (33,242), Texas (26,987), New York (26,343), Ohio (19,750) and Michigan (19,292).

(Terri Jonisch, Los Angeles)

Honor of the month, chutzpa department. *Spy* Magazine recently named California Congressman Matthew Martinez to its list of "the 10 dumbest legislators on Capitol Hill." The New York-based monthly satire then billed Martinez for an annual subscription. The bill wasn't paid, said a Martinez aide. "We don't deal in garbage," she huffed. Martinez was listed in eighth place, right behind his Democratic colleague from Massachusetts, Joseph Kennedy III. *Spy* took its poll by asking Capitol staffers and journalists, all of whom replied off-the-record. The magazine lists Martinez' "most important legislative accomplishment" as sponsoring an assortment of official designations, such as "National Job Skills Week," "National Dairy Goat Awareness Week," and "National Digestive Disease Awareness Week." Martinez refused to comment.

(Alan Friedenthal, Los Angeles)

An astute reader has pointed out that our *Roster and Government Guide* does not provide a Sacramento zip code for writing to members of the state Legislature, although the booklet lists district zip codes for each member. The Sacramento address is State Capitol Building, 95814

"Politics is like roller skating. You go partly where you want to go, and partly where the damned things take you."
— Henry Ashurst

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A Legislature lost in the wilderness?

Searching for reform

By Sherry Bebitch Jeffe

In the mid-1960s then-Assembly Speaker Jesse Unruh was asked, "What would you do if you were governor and a Jesse Unruh arose in the Legislature?" Unruh glared at the petrified questioner and boomed, "If I were governor, I'd never *allow* a Jesse Unruh to arise in the Legislature!"

Unruh knew that strong legislative leadership depends on several factors, some the leader can control and others he can't. Institutional rules, norms, external constraints, politics, partisanship, personalities, leadership styles, and timing all shape the nature and exercise of power.

If things are running smoothly, and lawmakers are happy with the product and process — and if their jobs are not at risk because of voter discontent or scandal — few legislators worry about the accumulation of power by the leader who makes that happen. It's dissatisfaction that provokes calls for reform.

This axiom helps explain the current round of reform proposals facing California's legislators in the wake

Continued on next page

Sherry Bebitch Jeffe, is senior associate of the Center for Politics and Policy at the Claremont Graduate School and a frequent contributor to California Journal.

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policy gridlock, the backlash of the recent FBI sting and the fallout from the Assembly's continuing internecine wars. Even the Legislature's leaders, Assembly Speaker Willie Brown of San Francisco and Senate President pro Tempore David Roberti of Los Angeles, have made calls for change.

Attempts at legislative "reform" generally fit one of three categories:

- curbs on leadership power;
- changes in procedure and process; and,
- regulation of ethics.

In 1984 Proposition 13 co-author Paul Gann, supported by conservative Assembly Republicans, placed Proposition 24 on the ballot. Gann wanted to restrict the "disproportionate influence" created by the "concentration of power in the office of speaker of the Assembly and, to a lesser extent, in the office of president pro tempore of the Senate."

Because Proposition 24 required the allocation of legislative resources proportionately by party and a two-thirds vote for significant administrative decisions, supporters saw it as a guarantee of minority rights against the "imperial speakership." Opponents attacked the Gann initiative as imposing a "tyranny of the minority" on the legislative process. But perhaps the section most attractive to voters was a cutback in the money the Legislature spent on its own operations.

Proposition 24 passed, but was invalidated by the state Supreme Court. Still, the animosity toward Speaker Willie Brown and the Assembly Democratic majority that had led conservative legislators to champion the Gann proposal remained.

Since then, while there has been informal discussion on questions of legislative ethics and conflict of interest in the more quiescent state Senate, activism remains centered in the Assembly, where it appears the debate is as much about Willie Brown as it is about rules and procedures.

The debate reached a crescendo in 1988 after Speaker Brown removed dissident Democrats (the "Gang of Five") from plum committee assignments and spacious offices as punishment for opposition to his leadership. Fresh from joining forces with Assembly Republicans to inflict a series of legislative defeats on Brown, the Gang confronted him with a reform package.

The proposal's stated goals, outlined in a "Dear Colleague" letter from Gang members, were "to separate the considerations of policy from politics" and "to strengthen the role of Policy Chairs through a more rational management structure." By reducing the speaker's power to retaliate against legislators who oppose him, the reforms would also make it more difficult for Brown to punish the Gang for their perceived disloyalty.

Assembly Republicans responded by advocating legislative adoption of Proposition 24 provisions which would transfer many of the speaker's powers to the Assembly Rules Committee with strict limits on its authority.

Arguing that "without significant reform, Californians won't get what they're paying for — a Legislature that makes policy, not back-room deals," newly-elected Assembly Republican leader Ross Johnson introduced a constitutional amendment which would implement portions of Proposition 24, place prohibitions on participation by legislative staff in political work, regulate campaign practices and limit the number of bills legislators may introduce.

At first Speaker Brown announced that he would not accept reforms which would dilute his authority. "There may be modifications of the delivery system," he asserted, "but it will not reduce the power of the speaker." But bowing to pressure from within his own caucus, Brown appointed a Democratic task force to study possible reforms and named his close friend and long-time political ally, Assemblyman John Burton, another San Francisco Democrat, to head it.

Burton's goal was "to at least provide some safeguard to any abuse [of power], if it, in fact, was there." The result is HR 7, introduced this year. As the leadership's response to assaults on the speakership, it reflects Brown's vision of mechanical reform rather than substantive change.

There is a push to reform from outside the Legislature, too. Ignoring the internal mechanics of the legislative process, and skirting the debate over leadership power, "outside" proposals concentrate on conflict-of-interest and ethics reform.

Attorney General John Van de Kamp has put together a political and legislative reform package and has begun to work with legislators to introduce several bills. Areas covered include restricting personal use of campaign funds, the misuse of state resources (including staff) for personal, political purposes, and the regulation of honoraria, gifts and outside income.

Common Cause is formulating a reform package for legislative introduction which will include restrictions on honoraria, outside income, junkets and gifts. It will also deal with legislative salaries and conflict of interest.

There is movement on several fronts. But what does it mean? What do these reforms do? Will they make a difference in the way the Legislature works? And will these changes in procedure result in changes in state policy and programs?

Current proposals either diffuse power within the Assembly, weakening the speaker's authority, or they lay out a series of largely cosmetic changes which might alter the mechanisms by which decisions are made within the house but would allow an able speaker to retain considerable power over those decisions. How proposals treat the concepts of "majority rule" and "two-thirds vote" reflects how much they really want to diffuse power.

The Gang and Johnson proposals, not surprisingly, push curbs on speakership powers. Johnson argues, "The notion of a powerful speaker or a powerful legislative leader is an idea whose time has come and gone. We ought to have a democratic system in which — by virtue of the fact that an individual is elected to the state Assembly — they ought to be heard in the process fully, freely, fairly. No one ought to have the inordinate power over the life and death of legislation that the speaker has today."

Former Republican Speaker Bob Monagan disagrees. "You can always remove the speaker with 41 votes," he says, "but you have to have somebody who could put a little pressure on people to act. Without that, it's almost impossible to deal with difficult decisions."

"Anti-status quo" proposals favor a two-thirds vote to check the speaker's power, because, they argue, it makes it more difficult for the speaker and the majority party to ram through decisions. But the complaint about Speaker Brown's dominance of the legislative process strikes some as odd because he is also getting the blame for a policy-making system that has broken down: In fact, little state policy is being made.

And some reformers complain that making it harder for leaders to lead will only blur accountability and make it even more difficult to get anything accomplished in an already fractious house. Walter Zelman of Common Cause views a two-thirds vote requirement as "... inappropriate except on really fundamental issues ... because it promotes stalemate and it's difficult enough to

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have the Legislature warring about what to do about water or transportation ... we don't need enhanced legislative fights over who's going to get what office or how many staff."

Johnson recognizes this problem, but believes that risk is less a problem than the current situation, at least as the speakership is practiced under Willie Brown.

"I understand the contrary argument, that you need strong leaders, but the point is what has his [Willie Brown's] strong leadership produced ... and the answer is pretty much nothing, except the continuation of his strong leadership period. Power for the sake of power, and that's not right."

Not surprisingly, the Burton task force relies on the majority to prevent "arbitrary" decisions by the speaker. And that makes it far less corrosive of the speaker's authority than other proposals. A smart speaker will keep his majority happy, so that whether or not he directly controls appointments and administration, he can influence the people who make those decisions.

As Burton candidly admits, the difference between his and other legislative proposals is that "they are trying to eliminate the speakership and I believe in the speakership." Instead, Burton's proposals emphasize reforms, such as a limit on the number of bills that can be introduced by any one legislator, a proposal that has been suggested before by others.

Proponents of this change argue that reducing the flow of bills would increase efficiency by allowing staff more time to research, write and analyze legislation and would allow legislators to devote more energy to broad policy issues. It would also, they say, reduce the waste of taxpayers' money on printing and moving duplicative and dead-end bills each session.

However, some legislators and legal sources suggest there might be a constitutional question concerning the denial of a citizen's right to petition and the legislator's right to "symbolic speech." A report by the National Conference of State Legislatures labels "the philosophical question of restricting members' rights to propose bills and carry out their legislative responsibilities" a "disadvantage" of limits.

Speaker Monagan opposes bill limits because 'it wouldn't make a difference how many bills you put it...the problem is what happens to them after they are introduced." He recommends stronger committee action, limiting the number of bills on the same subject, utilizing bills structured and moved by policy committees, and cracking down on hearing a defeated concept more than once a session.

In the end, the NCSL report concludes, the success of procedural mechanisms such as numerical limits on bills "depends first and foremost upon the role of leadership, both formally and informally, in managing the overall process. Strong leadership control is necessary to ensure limits are followed and deadlines are met."

The third approach to reform is the regulation of legislative behavior. Since the passage of Proposition 73 last June, dealing with regulation of campaign financing, the debate has shifted toward questions of conflict of interest and the regulation of legislative ethics. This growing concern for ethics regulation tends to fit the historical pattern: From Watergate to Sacramento's FBI sting, it takes a scandal to focus public attention on government ethics. And politicians won't pay attention until their public does.

For this reason and others, Speaker Brown recently established an eight member (five Democrats and three Republicans) select committee on legislative ethics, headed by Assemblyman John Vasconcellos — a San Jose Democrat who also chairs the powerful Assembly Ways and Means Committee. The committee's charge, said Vasconcellos, "is to be a development committee, to put together a program for ethics ... that will likely include ... some set of behavioral guidelines, an adjudication process and an education program for legislators, staff and lobbyists."

Brown has indicated that he wants a permanent committee with an aggressive approach to investigating and punishing legislative wrongdoing. But the Legislature already has a Joint Ethics Committee, an ineffectual body that has not met in years and has been silent through the current crises. In any case, history shows that, as scandal fades from the public's consciousness, so does aggressive movement toward reform. That's why reforms which leave ethics regulation to an in-house legislative committee may not be effective. The record has been that self-policing simply doesn't work. "Outside" enforcement mechanisms tend to be more effective.

Strong enforcement must be accompanied by positive reinforcement from political leaders, press exposure of problems, and a concerned public. That combination is difficult to accomplish.

A recurring theme in the reform proposals is "taking politics out of policy." But, realistically, politics can't be removed from policy, nor should it be. Policy-making is politics in the best sense. It is public action toward a goal and requiring the distribution — and redistribution — of resources. That is a political decision central to the Legislature's job. Reforms which do not recognize that are counterproductive.

Furthermore, reformers rarely advertise the fact that the reforms they offer could end up affecting policy out-

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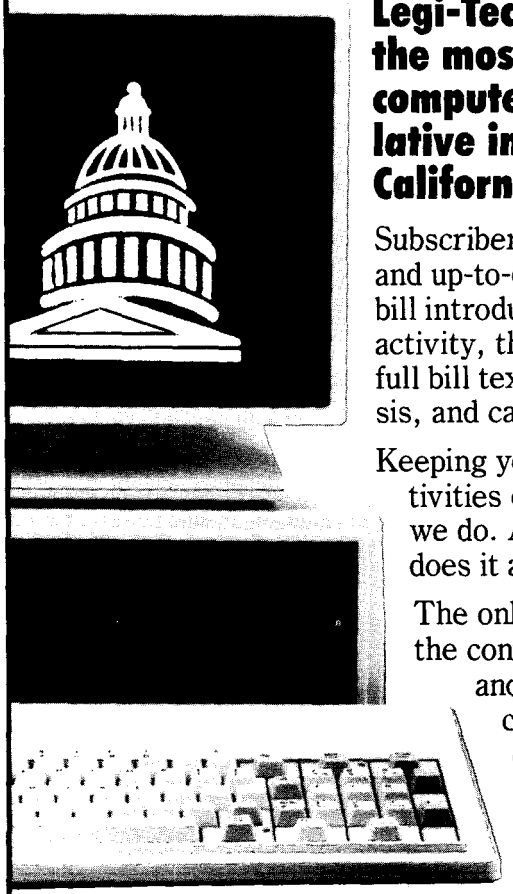

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comes as well. For example, what does implementation of two-thirds vote requirements do for the controversy over, say, abortion or gun control? The merits of a system of diffuse authority — many checks and balances — has to be weighed against the need, in a fast-changing society, to move quickly.

There's another hitch in current proposals. Former Unruh aide Larry Margolis observed, "Rules changes can go so far. Structural, procedural changes don't work at all without a will to work." Strong leadership and institutional commitment are necessary for any rule to have a fighting chance.

To move the Assembly closer to the state Senate model of "collegial power", as some would like, may not be appropriate. The Assembly has been by its nature more politically partisan, more ideologically diverse. It is a larger and more vocal house than the Senate and it gives little lip service to the norm of civility.

That points up another weakness. "Rules," Margolis observed, "can only operate within the constraints of culture." In a political culture as rancorous and partisan as California's, those constraints can be crippling.

One of those constraints is a reapportionment process which leads to entrenched incumbents who have little to fear from a complacent public and much to gain by bending the rules. Another is the "professionalization" of government and the concomitant political focus on winning and keeping office through high-priced campaigns. Realistic reform cannot ignore these constraints.

There are other issues to be addressed. They include the role of adequate legislative and staff salaries in attracting and retaining able public servants, the abolition of honoraria as an influence on legislative decision making, the consequences — intended and unintended — of Proposition 73 on campaign financing and on legislative and executive actions.

Piecemeal reform can't solve the problems of process, personalities and policy which hamstring California government. Everything needs be looked at and dealt with in the larger context of this state's political environment and culture. A more neutral mechanism — such as a blue-ribbon commission — may be needed to evaluate every aspect of the state governmental process and recommend comprehensive reforms. Selling those reforms takes leadership. Which is where this debate began — and why it may not soon end.

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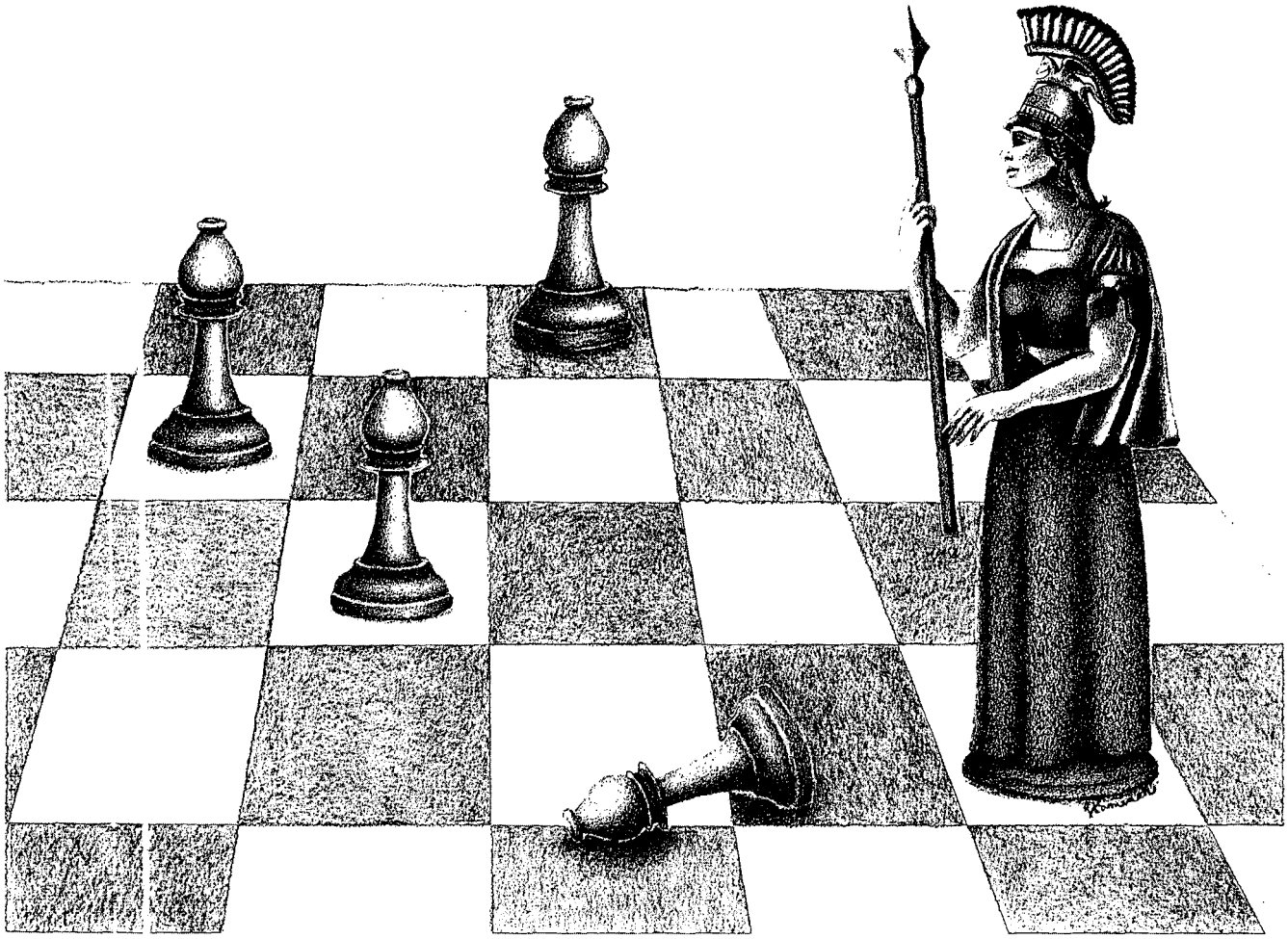

ADVANCING THE PRIMARY

California makes its move

By Steve Pressman

When it comes to the politics of presidential nominations, the nation's largest state has been transformed over the years into one of the least influential. Not since 1972, when George McGovern had to beat back a heated Democratic convention challenge by Hubert Humphrey to strip away delegates won in California's primary that year, has the state's quadrennial June contest mattered terribly much in determining the nominee of either party.

All that could change overnight under legislation pending in Sacramento that would move the California primary from the tail end of the nominating season right up to the front.

Steven Pressman is a freelance writer in San Francisco.

It's hardly a new idea. Assemblyman Jim Costa, a Fresno Democrat, has authored a date-changing bill four times over the past 10 years. But a key stumbling block in the past — Governor George Deukmejian's opposition — has been removed this year, and support for changing the primary from June to early March is coming from both Democratic and Republican circles around the state. Supporters are relishing the idea of watching California muscle its way into the early — and often decisive — stages of presidential campaigning, while elbowing out the current little titans of Iowa and New Hampshire.

For years, those two states have dominated the opening chapter of each presidential election because of Iowa's early caucus and New Hampshire's first-in-the-nation primary. By now, tradition alone is probably enough to ensure a continuing role for both states. But that role has simply grown too large, according to advocates of an early California primary.

"It is not in the [Democratic] party's interest to have them go first. They are two states that are small and insignificant in terms of the number of voters," says Democratic Congresswoman Nancy Pelosi of San Francisco. A former state party chairwoman who also has been active in national party affairs, Pelosi says California has become little more than an inconsequential "lounge act" rather than the main event that it should be in the race for the presidential nomination.

In the past, Deukmejian based his opposition to a new primary date on fiscal grounds. It would cost between $35 million and $40 million to administer a

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separate primary election in presidential campaign years, according to election officials. Deukmejian signaled a change of heart, however, in his January state-of-the-state address, where he indicated a willingness to reconsider his position. Aides say that the governor has been impressed by the views of both Democrats and Republicans around the state who lament California's diminishing clout in the presidential nomination process.

California used to be the main event — or at least one of them — in nominating politics. But the state's influence waned as an increasing number of states added their own primaries; a total of 38 were held last year. As a result, California's end-of-season voting often has amounted to little more than icing on the cake for eventual nominees (George Bush in 1988, Ronald Reagan in 1980) or just an exercise in futility (Jerry Brown and Ronald Reagan in 1976, Ted Kennedy in 1980).

"The game is primaries now. Everyone has them," says Rhodes Cook, an expert in the nomination process who covers presidential politics for *Congressional Quarterly* magazine. "The question is when you have them, and California has proven that late is not best anymore."

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Others, however, are not convinced that moving California's primary to the front of the pack necessarily will restore the state's kingmaker image.

"I don't subscribe to the idea that every four years the folks up in the front will determine the nomination," says Haley Barbour, a prominent GOP strategist who divides his time between Washington, D.C., and Yazoo City, Mississippi. He also thinks that a March primary in California will leave a lot of candidates with empty pockets just when they need full ones most to carry on their campaigns in other states. "Nobody will come out of an early primary with much money in the bank, and most will come out of it flat broke or deeply in the hole," says Barbour. "So the biggest impact will be the effect it will have on people's financial ability" to wage their campaigns elsewhere.

For early primary advocates, money also is an issue — but for different reasons. Pelosi says presidential candidates are raising about 25 percent of their funds in California, only to take the money and run to Iowa's frozen cornfields or New Hampshire's slushy town squares. Adds Costa: "Frankly, I'm tired of California being viewed as the political Versateller [an automatic teller machine] for candidates who come here a year before the elections, have fat-cat dinners and receptions and then spend the money in places other than in California."

While a new primary date would force a dramatic change in the presidential horse race, it also could provide some key advantages to particular kinds of candidates. Assuming Bush runs for re-election in 1992, the most immediate effects would be seen on the Democratic race that year. Most observers say an early California contest would benefit a candidate who starts out with good name recognition and a healthy bank account. But it could hurt the prospects of a dark-horse contender who might find it difficult to spread his or her message around the megastate. Cook describes the likeliest beneficiaries as "A-league candidates — somebody who likes the idea of being president, but doesn't like the idea of sloshing through the snows of New Hampshire or the manure of Iowa for a year."

That description might apply to the likes of Governor Mario Cuomo of New York or Bill Bradley of New Jersey, assuming they could manage to light a fire under California Democratic voters. It might also cover someone like Senator Albert Gore Jr. of Tennessee, whose 1988 strategy focused on the Super Tuesday primaries in the South rather than the crucial Iowa or New Hampshire tests. Of course, a pivotal California primary early in the season also could provide a boost for a strong Western candidate; the Democrats only need to find one or two before trying that approach. It should also be kept in mind — just an idle thought, of course — that a guy named Jerry Brown will be occupying the state Democratic chairman's office just when California finds itself back in the national political spotlight.

With plenty of political support within California for a new primary date, enacting the calendar switch would seem to be a *fait accompli*. However, the issue has been clouded by other campaign-related proposals pending before the Legislature. In return for his change of heart on the presidential primary date, Deukmejian is seeking legislation that would require nominees for governor and lieutenant governor to run on a single ticket; in other words, no more split-party combinations that have placed partisan wedges between the state's top two constitutional officers since 1978. Kevin Brett, Deukmejian's press secretary, denies any direct *quid pro quo* on the election legislation. Instead, he says only that Deukmejian "hopes that legislators keep in mind" his willingness to reconsider his views on the presidential primary bill (AB 368).

Last year Deukmejian removed his name from consideration as George Bush's running mate because that would have meant handing the keys to his office over to Democratic Lieutenant Governor Leo McCarthy. After last November's election, Deukmejian said he would very likely have accepted an offer from Bush for the number-two spot on the ticket had there been a Republican lieutenant governor in place to succeed him.

Of course, Deukmejian hasn't stumped for his proposal on the blatantly political grounds that current law possibly prevented him from becoming vice president. Instead, he stresses that the election of a chief executive who holds certain beliefs ought to entitle the public to a second-in-command who shares the same basic views. That's particularly true, aides say, in light of the fact that a lieutenant governor assumes gubernatorial powers whenever the actual governor is out of the state.

"It just makes sense that the lieutenant governor reflect the same philosophy as the governor," says Brett. "Cer-

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tainly Jerry Brown was not turning to Mike Curb to advocate his policies." And while Brett says Deukmejian and McCarthy have enjoyed a "professional" relationship since 1982, the two remain separated by "profound political differences."

California voters, however, don't seem too enthusiastic about voting in unison for governor and lieutenant governor. A California Poll on the issue found that 56 percent of those surveyed opposed the ticket approach, while only 37 percent favored it.

Opposition also has been building against the third element of the election-related proposals that would push back the primary for statewide offices and legislative races from June until late September. Costa, one of the bill's authors, thinks the change would enhance voter participation. "Frankly, I think people get bored with an entire year of campaigning," he says, comparing the length of political season to a basketball game. 'For most people, the first three quarters get to be a little monotonous, watching the teams run up and down the court. The action really happens during the last two minutes of the game."

The Fresno Democrat also thinks it is possible — at least in theory — to reduce the spiraling amounts of cash tossed around in campaigns by giving candidates less time both to raise and spend money.

But others see an unfair partisan advantage in a September primary, despite the fact that the proposal is being carried by two Democratic Assembly members (Costa and Speaker pro Tempore Michael Roos of Los Angeles) and Senate Republican William Campbell of Hacienda Heights. "I think it would be a disaster for Republican candidates," says Lee Stitzenberger, president of the Los Angeles-based Dolphin Group, which works exclusively on the GOP side of the aisle.

Stitzenberger believes that a fall primary would benefit incumbents who could store up cash to fend off opponents in the November general election. That would leave challengers — particularly those who face primary competition — with the daunting task of having only six weeks or so to replenish campaign coffers between September and early November. Of course, such a system would likely protect incumbents from both parties, but the consultant says it's foolish for GOP lawmakers to support any moves that would only help to maintain Democratic power. Had a September primary been held in 1982, Stitzenberger predicts that Deukmejian may well have been a victim. Noting that Deukmejian was "flat broke" after a come-from-behind victory over Curb in that year's GOP gubernatorial primary, Stitzenberger doubts that the nominee would have had enough time to raise the money needed to overcome a gap in the polls and defeat Los Angeles Mayor Tom Bradley that November.

Protests against a September primary date for statewide and legislative races also are coming from county election officials. They say there is simply not enough time to wrap up an early Fall round of balloting while completing the preparations for another election several weeks later. More than 20 other states currently hold September primaries, but most of them do not provide sample ballots nor offer other voter services available in California, according to Ernest Hawkins, Sacramento County's registrar of voters.

The statewide County Clerks Association has suggested August as a substitute for a September primary. "Every day that they can give us is another day we can use to protect the integrity of the process and save us money," says Hawkins, who co-chairs the association's elections legislation committee. He worries that compressed schedules will drive up election-related administrative costs by forcing expensive overtime work and other premium-billing jobs. "We're going to be looking at millions of dollars just to turn things around overnight, and you're still going to be talking about impossible situations," warns Hawkins.

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Political par

Prop. 73, court

By

Amid all the excitement and intrigue surrounding the return to California politics of former Governor Jerry Brown resided one sustaining and seemingly unanswered question: Why on earth would a former governor and two-time presidential candidate actively seek a job like chairman of the California Democratic Party? Over the years, that role and its Republican counterpart have been of the kind distinctly unwanted by anybody of any genuine note or pronounced political power.

The answer may be that Brown once again has put himself in the right place at the right time. He has a deserved reputation for finding political opportunity where none had seen it before and an apparent ability to understand developing political dynamics before others became aware of them.

The state's political parties, indeed perhaps the whole political system, may now be on the threshold of the most significant change in California history since the reform era of the 1910s gave voters the referendum and the initiative. The changes have been wrought by the passage last June of campaign-spending reform initiative Proposition 73 and a decision last February 22nd by the U.S. Supreme Court.

Proposition 73 served to sharply inhibit the ability of the state's most powerful politicians to give money to would-be candidates. As a result, political parties may be the only remaining source for significant amounts of campaign money.

The court decision restored to the parties the power to organize themselves as they saw fit, and to endorse in partisan primaries, power that had been denied them by reform laws passed in 1913.

The result is a brave new world in California politics.

"Basically, the parties are going to be stronger because they have to be," said Brown, who won the party chairmanship at the state Democratic convention in February. "There is a bigger vacuum and the parties have to step in and fill it."

But whether the parties will succeed in filling that vacuum and seize the opportunity to become an important political institution clearly is up for argument among veteran participants in the state's campaign process.

The answer apparently depends on two things: legislative leaders working with the party institutions as a significant source of support, and the parties demonstrating an organizational skill and caliber of personnel historically absent. If the parties fail to establish a new structural credibility, or if legislators ignore the party structure, it could mean a big future for political "kingmaking" groups of the type established just days after Brown was elected chairman of the state party.

Mark Simon is a political reporter for the Peninsula Times Tribune *in Palo Alto.*

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s muscle up

n give new clout

mon

At a San Francisco news conference, top Democratic fund-raiser and contributor Walter Shorenstein announced the formation of a group called "Democratic Agenda for the '90s." Joining Shorenstein were Bruce Lee, regional director of the United Auto Workers; attorney and former national Democratic chairman Charles Manatt; William Rollnick, founder of Genstar Electronics; Stuart Moldaw, Bay Area venture capitalist; and a host of other prominent labor union leaders.

All of the committee members represent perhaps the most significant Democratic fund-raising clout in the state, and most of those people have been responsible for the largest fund-raising events in the state in the last few years. They also provided the financial backing for the Democratic voter registration and get-out-the-vote efforts on behalf of the national ticket last year, widely thought to be the largest such effort by Democrats in the state's history.

The Shorenstein committee listed four objectives: raise money for voter registration and turnout, provide analysis of political campaigns and candidates, conduct seminars on "relevant state issues," and create a task force of political consultants to provide independent expertise in targeted races in 1990. It is no coincidence that these are functions theoretically performed by a well-organized, well-staffed political party.

At least part of the motivation for the group's organization is an antipathy toward Brown, whose return many of the group's members regarded as unfortunate and fraught with hazards for other Democratic candidates. But another element has to be the new political rules, which skew any fund-raising emphasis toward those committees organized to do such things as voter registration and voter turnout efforts. Still, the organization of Shorenstein's committee has to be seen as an opening skirmish in a battle for partisan power that can be expected to take up much of the year.

And right now, nobody knows how it will end.

"It's all speculative," said William Cavala, top political strategist for Assembly Speaker Willie Brown, a San Francisco Democrat. "The rules have significantly changed the ways campaigns are going to be financed. Will political parties, which have never played a significant role, fill the vacuum, or will we have political campaigns that are less competitive?"

Ross Johnson, the Assembly Republican leader from Fullerton who was principal co-author of Proposition 73, noted that the parties, based on historical performance, are hardly situated to step right in and become an immediate force.

"The reality is that political parties have historically

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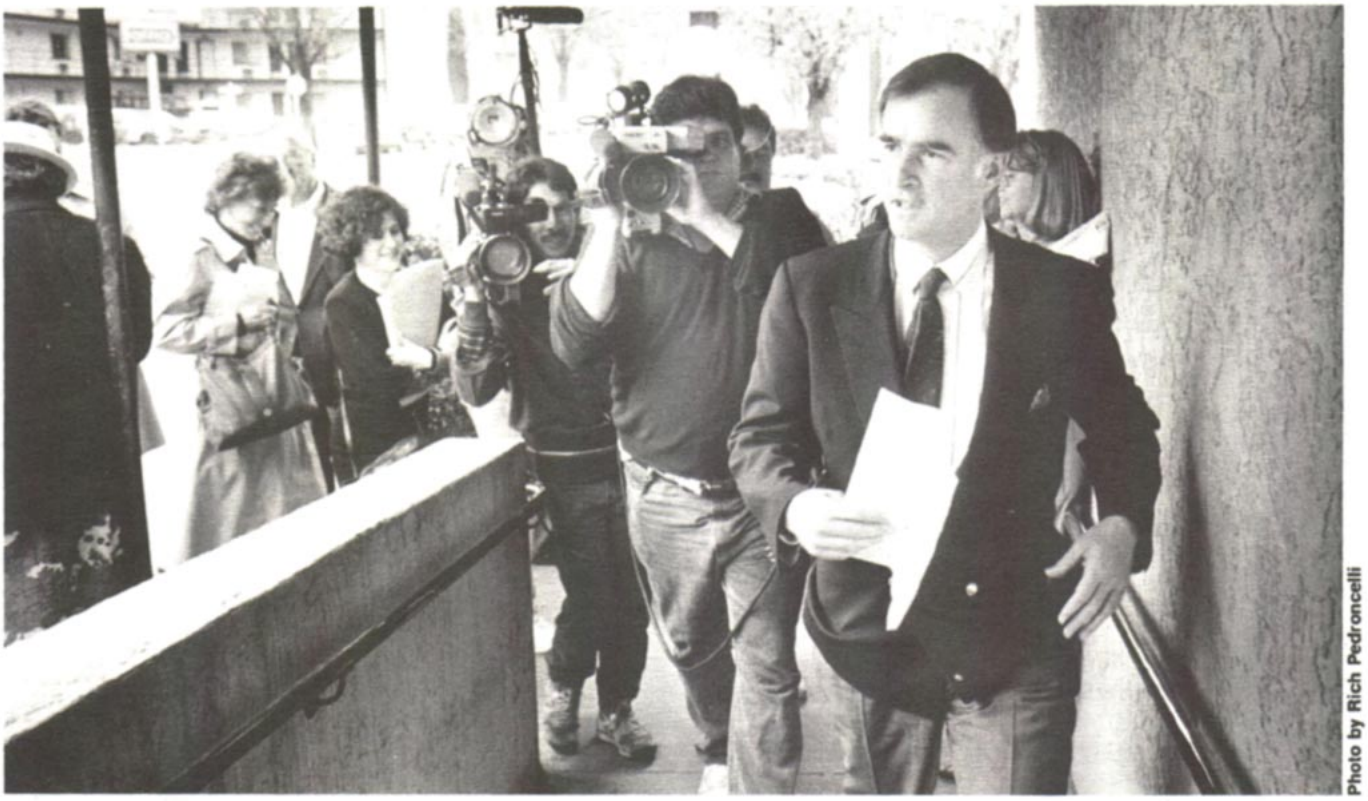

Photo by Rich Pedroncelli

Deja vu? Former Governor Jerry Brown returns to the limelight.

been somewhat weak through most of this century, and intentionally so," Johnson said. Because of that weakness, both the Democratic and Republican parties "have not necessarily always been composed of authentic community and state leaders."

In private, political activists state the case much more strongly: Members of the state and local central committees are considered politically unsophisticated ideologues more interested in a by-law fight than winning campaign strategies.

Former Governor Brown noted that a recent statewide poll showed incumbent Republican legislators more closely match the ideological views of Democratic voters than the members of the state Democratic Party Central Committee.

In the end, Brown argued, the party will be forced to expand its appeal to voters and assume a new ability to be a source of financial help and organizational strength for candidates, rather than a supplicant for money to prominent political figures, like Shorenstein.

Since 1913 political parties have been prohibited from endorsing in partisan primaries, and the manner of their organization was dictated by state statute — laws passed during the reform era led by Governor Hiram Johnson. Johnson is credited with breaking the stranglehold on state politics held by the railroad industry, in part by winning approval of the referendum and initiative powers.

"Nobody's been running either of these parties because they've been emasculated," Brown said.

Because the political parties had no power, they also had no significant money-raising ability, and California evolved into what Brown termed a "candidate-based environment" in which individuals running for office accumulated money and power and spent it according to their agenda. That contributed to the escalation of campaign costs which, in turn, prompted the growing public sentiment for some kind of cap on spending in political campaigns.

Last June two campaign-spending reform initiatives were approved by voters. The top vote-getter was Proposition 73. The new law, still being sorted out by the Fair Political Practices Commission, limits individuals to contributions of $1000 per fiscal year per candidate. That means an individual, in the past able to give an unlimited amount, before the next election may give a total of $3000 — $1000 before this June 30th, another $1000 between July 1st and the June 1990 primary and another $1000 before the end of the 1990 general election. In subsequent election cycles, the total will be only $2000. Political-action committees may give $5000 per fiscal-year cycle, or a total of $15,000 for the 1990 elections and $10,000 for each election cycle after that. No candidate or officeholder may transfer money from his or her account to the campaign account of another candidate or officeholder.

The net result of Proposition 73 is to undo the "candidate-based environment" by ending the huge transfer of campaign funds from legislative leaders to candidates in targeted campaigns.

As Willie Brown recently told a meeting of legislative strategists, "The bank is closed."

Although political parties may contribute money directly to a candidate like any other PAC, the real key to the rise in party power is that political parties are allowed to make unlimited expenditures for voter-registration programs and precinct-level, get-out-the-vote drives during campaign years.

The FPPC also has ruled that the parties, like other political-action committees organized under the new law, could make unlimited expenditures for independent activities on behalf of a candidate — spending that must be done without consultation or permission of a candidate. That provides the party with its opportunity. But other committees, such as the Shorenstein committee, may do the same.

And that means the parties are under a deadline of sorts to prove rather rapidly that they can raise the money and form the kind of organization necessary to undertake these political activities, before other political-action committees com-

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pletely circumvent the party. Jerry Brown openly acknowledges that nature of his task. "Political parties will have more clout because legislators will have less clout? That doesn't necessarily follow. That assumes the party can go out and get funds," Brown said.

In politics, money is the determinant of credibility as a political force.

"It depends on the extent to which the people with real power — legislative leaders, gubernatorial candidates, presidential candidates — use the party structure to accomplish their ends," said former state Republican Party Chairman Bob Naylor.

"Will Willie Brown direct a lot of his attention to raising money for the Democratic Party, which can then turn around and help a candidate with a massive get-out-the-vote effort? I suspect he will. I suspect there will be a cooperative effort, and I'm pretty much certain there will be in the Republican Party," Naylor said.

The Democrats, who relied most heavily on the now-outlawed system of transferring money from safe elected officials to candidates with difficult races, have little choice but to make dramatic changes in the way they raise money and run campaigns.

For the Republicans, who always were more decentralized, the change needs to be less dramatic. This was reflected in the choices they made for party leadership and in the party rules. Rather than a public figure like Jerry Brown, Republicans chose Antelope Valley developer and insurance agency owner Frank Visco as their new chairman. Visco is practically unknown outside of party circles.

Visco

Furthermore, the Republicans passed rules — in part at the behest of their elected officials who may have perceived a reactivated party as a threat to their own power base — that will prevent pre-primary endorsement of candidates.

Visco says that avoiding pre-primary endorsements is "more democratic" than having the party "anoint a candidate." And he adds that the new rules banning transfers has resulted in the legislative caucuses "pretty much curtailing" their activity on behalf of Republican primary candidates. His hope is that the candidates themselves will have to fill the power void, and this will result in stronger GOP candidates in the general election.

One benefit of stronger political parties could be a political process with a cleaner image.

When a special interest gives to a legislator, there is a clear link to a legislative result that will be sought, said veteran GOP political consultant Ron Smith. "When they give it to the party, the donor doesn't know what happens to it. You can't make a deal if you don't know who you're making the deal with," Smith said.

Others believe the legislative leaders will be reluctant to relinquish much authority to a party structure, and that the promise of a statewide, party-run, grass-roots organization is vastly overrated.

"What candidate is going to say, 'All right, I'm not going to build my own organization, I'll just let the party build theirs'?" asked Larry Tramutola, Democratic precinct organization expert who headed up last year's statewide precinct operation on behalf of the national ticket.

Indeed, legislative Republicans have pushed through state laws and party rules — including a party ban on pre-primary endorsements by county central committees — designed to make it more difficult for their primacy to be challenged by a party apparatus that might fall into the hands of grassroots activists.

But even if the officeholders fail to keep control of the party machinery, maintaining a large, effective grassroots organization is unlikely, according to Tramutola.

"The best volunteers don't want to be involved on a year-round basis. They have lots of other things going on in their lives. Once you institutionalize it, you attract only those people who are the kinds of people already part of the central committee," Tramutola said.

So, much depends on the abilities of the parties to prove themselves, organizationally and as a source of money. Otherwise, argue some, the system will be overrun by committees dedicated to an issue or a candidate or to their own agenda and their own power. And that will leave the whole process on the same path it has been on for the last several years, say some.

"In the end, if the party continues to raise money and make resources available, my sense is that it will be the best place to go," said Mary Hughes, former executive director of the state Democratic Party. "If you are able to remove one of the less-attrative aspects of politics — having to raise all this money from interest groups — then you redefine the work they do. If this does not work out and if you don't get a situation where elected officials are freed from raising the money to keep working, then you're going to have a situation where the quality of representation declines very rapidly."

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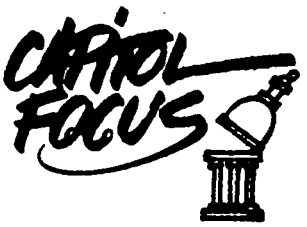

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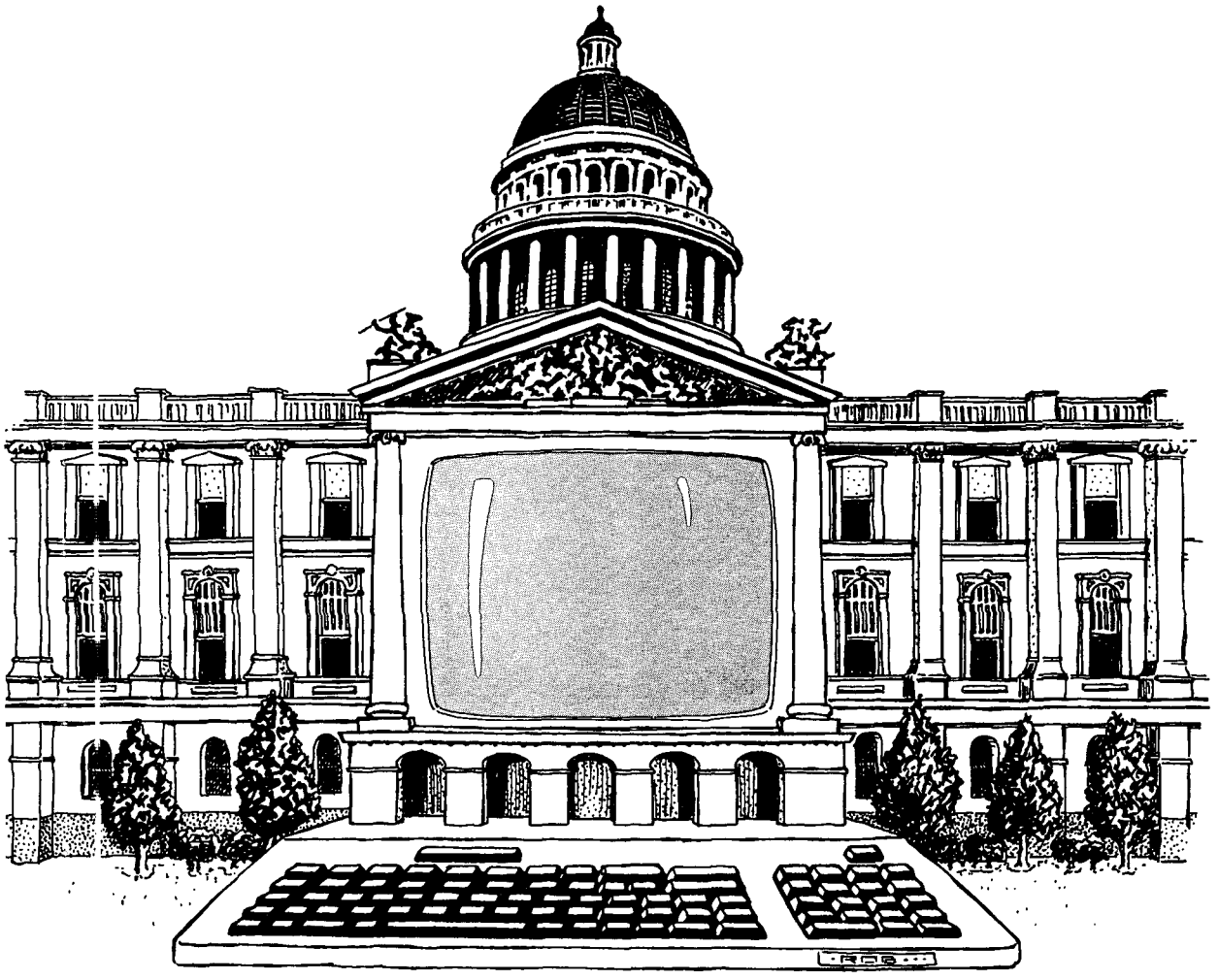

THE TEALE DATA CENTER

Number-crunching for the state

By Kathleen Grubb

California's Capitol, an architectural showpiece with all the splendor of a Victorian wedding cake, may be center stage for state politics, but the workhorse of state government is a nondescript building of tan masonry brick and reflective glass.

Behind gates that open only to electronic pass keys or security guards' buzzers is a riddle of modern public service — an $82 million-a-year government agency that receives no money from the state general fund, provides no direct service to the public and is the only state agency with a human name.

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"It is a risk, no doubt about it," said David Lema, Teale Center director. "It's a trade-off. If you spread all this data to 160 locations, from a government point of view, we don't have the continuity, we've lost the maintenance."

Teale Data Center computers counted the ballots of more than 10 million voters in the November general election. The same computers calculated the costs and savings of programs and cuts in the governor's $47.8 billion 1989-90 proposed budget.

The center draws California maps that highlight the state's toxic hot spots, does engineering computations for highway and mass-transit projects, prepares income tax returns, and knows how many of the 10 billion to 12 billion beer and soda cans sold yearly in California are recycled.

The center doesn't print the checks, but it sees that 250,000 state employees get paid on time. It helps the state Department of Corrections track 76,000 felons through the nation's fastest growing prison system. And it was expected

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Kathleen Grubb is a writer for the Associated Press *in Sacramento.*

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by this month to begin processing driving and registration records of California's 17 million licensed drivers.

Created by state legislation signed in 1971 by then-Governor Ronald Reagan, the agency opened in the spring of 1973 as the Business and Transportation Agency Data Center, Lema said. With a network of 102 computer terminals, a staff of 385 and an $8 million annual budget, it initially provided computer services to 11 agencies. Since renamed after the former Calaveras County Democratic senator whose legislation established it, the Teale Center now relies on a smaller staff of 373 but boasts a statewide network of more than 15,000 terminals. Payment from its 160 agency customers, the center's only revenues, have increased its budget more than ten-fold.

Because it receives no direct allocations from the state, but operates solely on revenues from its contracts with state agencies, the center is managed much like a private enterprise, Lema said. "Cash flow has to be balanced .... There's no free lunch," he said. "It gives us a different perspective on what we're here to do. We can't just be chasing the next butterfly that comes along because it's a beautiful butterfly. That butterfly is going to have to produce a cocoon and silk is going to have to come out of that product."

Many of the computer specialists who pad the yellow tile path between humming five-foot-tall banks of computer mainframes wear the casual blue jeans and plaid shirt uniform popular with their counterparts in private industry. A fishbowl of a "command center," crowded with monitors, looks much like the inside of an airport traffic control tower and functions much like one. In a neighboring room, a woman dwarfed by row upon row of computer tape stacks, feeds reels into the machines' open mouths. Like a publicly owned corporation, Teale publishes an annual report, and its 1987-88 report boasts "a statewide reputation for attracting and developing highly skilled technical professionals" who are often sought by other state agencies and the private sector.

> **"We can't just be chasing the next butterfly that comes along because it's a beautiful butterfly. That butterfly is going to have to produce a cocoon and silk is going to have to come out of that product."**
> *—Lema*

But if the center thinks and acts private, it's heart and motive is not, Lema said. Under legislation written by Republican Senator Rebecca Morgan of Menlo Park that passed last year, Teale has created an advanced technology laboratory where it can work with private companies to develop computer technology that best meets the needs of the public agencies the center serves. The idea is to serve as a bridge between the market and the state.

"There's so much going on," Lema said. "If you're out issuing drivers' licenses or if you're tracking inmates through the prison system, it's really a tough thing to expect you to keep track of the dramatic changes in [computer] technology. So that's what we're beginning to do."

Moreover, Lema said, the lab could help steer the market into developing more products with government in mind. "The attitude is that if you wait for the product, the service, the technology to fully mature ... by that time, you're four or five years behind," he said.

While there may be power and cost-efficiency in numbers, the growing concentration of the state's data base could pose the greatest vulnerability of the Teale Center. Lema said he knows of four attempts at unauthorized access to the center's computers, each time by a state employee. The same law that prohibits the co-mingling of different state agencies' computer files provides a measure of protection from a self-replicating computer "virus" spreading through, and possibly damaging or destroying, computerized state records, he said. But Lema winced at the thought of sabotage. "Every time you talk about this kind of thing, it's like putting a chip on your shoulder and daring someone to knock it off," he said. "Any system can be violated. Because of that threat and the threat of natural disasters shutting down the center, Teale has a backup power supply and computers and encourages its customers to keep copies of critical data. "We have to be up 24 hours a day, seven days a week," Lema said.

The reason is clear. "The real asset of this corporation we call the state of California is the information we gather," he said. "That is the nucleus of state government. Without that information, none of the agencies would be able to do what they've been charged to do."

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Prison labor

The state's struggle to put convicts to work

By Ward McAffee

Cliche number one: man in a striped, baggy uniform, leaning on a sledge hammer. On his left, a pile of boulders. On his right, a pile of smaller rocks. Cliche number two: man in sweaty tee-shirt, cigarette dangling from his lip, greasy hair matted to his forehead, a number stenciled on the back of his shirt. On his right, a huge pile of damp laundry. On his left, an industrial mangle and a pile of neatly pressed clothes.

Introducing: The convict worker, Hollywood style. But while movies have always portrayed convicts as having some sort of work to do while serving behind prison walls, many prisoners are idle, and this lack of meaningful work has sparked a debate among elected officials about whether convicts should work.

Should convicts work? Should they be restricted in the kinds of work they may perform? Should they be restricted in the types of labor-saving devices they may use to perform their work? These and other questions relating to convict labor have been argued nationwide for more than a century. The dispute appeared initially in the industrialized states of the northeast, where organized labor first addressed the issue. But despite these early efforts in the East, the first major restrictive action came from the other end of the continent, in California, which built an anti-convict labor provision into its second state constitution, in 1879.

In 1879 California was hardly a leading state in the Union. Nevertheless, it had already gained somewhat of a reputation as a public-policy innovator, a reputation it enjoys today. That is why Governor George Deukmejian's recent pronouncements concerning convict labor have been read with keen interest. On December 10, 1988, he pledged his administration to "move toward a goal where all able-bodied prisoners work and are billed to defray the cost of their upkeep."

Ward M. McAffee is professor of History at California State University, San Bernardino.

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If this promise is fulfilled, it will signal a significant departure from what has existed in California for over a century. During that lengthy period, only a very small minority of California state convicts have performed meaningful work. This occurred not because they were incapable or unwilling but because convicts have been denied, by both state constitutional law and regular statute, later supplemented by federal law, the right to support themselves through labor.

In the historic debate over whether convicts should work, several distinct arguments reoccur on both sides of the issue. While seldom articulated by those arguing that convicts should work, their underlying assumption is that labor is part of the punishment that society can justly require of those convicted of serious crimes. This is perhaps the most mean-spirited position of the pro-work forces. A more progressive argument used is that convicts cannot be truly rehabilitated unless they do meaningful work — an up-to-date version of "the devil has work for idle hands."

Those opposed to convict labor also have mean-spirited and progressive positions. On one hand, they assume that convicts have no right to be allowed to work in a meaningful capacity. As a prisoner's punishment involves surrendering to the state his or her freedom of activity, that punishment may include enforced idleness. A more progressive argument used by the anti-work forces is that convict labor has historically been "hard labor," crushing rock and the like. Such labor does not train inmates for real jobs on the outside. Accordingly, they argue that prisons should focus on rehabilitating their inmates by providing the education and skills necessary for survival upon their release.

Both sides can argue that their respective positions best provide for both the punishment of the convicts and the rehabilitation that is desirable if they are to avoid a return to crime outside of prison.

While the two sides may skirmish over these issues, they are mere adornment for the principal, divergent positions taken by each camp. The core argument of the pro-work element is that prisoners should help pay for their own upkeep. Currently, it is less expensive to send a student to Harvard with all expenses covered than it is to maintain a convict in a state prison. The pro-work position holds that it is unfair to require that the taxpayer shoulder this entire expense while potential laborers languish idly in their cells. Correspondingly, the core argument of the anti-work group holds that it is unfair to put laborers outside of prison walls in competition with what essentially is slave labor. Why, they ask, should law-abiding workers lose their jobs because of unfair competition from inexpensive products made by convict workers? Thus thrown out of work, laborers on the outside

Brouhaha over 7000 jobs

By Christine Kohn

Governor George Deukmejian's plan to put prisoners to work will be no panacea for the state's rapidly growing prison budget. At best, the program will put fewer than 10 percent of the state's prisoners to work; even if all these convicts work 40-hour weeks, they will contribute less than 1 percent of the cost of keeping more than 78,000 prisoners in prison.

Furthermore, the proposal has again touched off a decades-old political battle between those who think prisoners should work to pay for their keep and the state's organized labor unions.

The six-bill Deukmejian reform package allows prisoners to earn money by working for private firms which have contracted with the state. Prisoners would keep a portion of the money and another portion would go to the state. While Deukmejian in a December speech called his plan a "win-win" situation for taxpayers and offenders, labor officials are resisting the program, saying it will have negative effects on California's free workers.

The revenue generated by prisoners represents only a modest break for taxpayers and reduces a $1.5-billion Department of Corrections budget by less than 1 percent. It utilizes less than 10 percent of 78,000 inmates. But it also will have little effect on the state's regular labor force. The administration says that it will affect no more than .5 percent of California's free work force.

Supporters of the plan now downplay potential savings to the state and instead have focused their arguments on the theory that work programs reduce recidivism. Opponents to the plan continue to maintain that, even though the program is small, every prison job earned is a job lost at the expense of a free California worker.

Although Deukmejian says he plans to use prison labor to bring back to California industries such as electronic assembly and clothing manufacturing that have been lost to cheap labo overseas, organized labor remains skeptical. Labor leaders are particularly wary of the language of the proposed constitutiona amendment, ACA 11, which gives little protection to free Califor nia workers. Nor does the amendment secure protections fo prison workers under laws dealing with minimum wages, hours health and safety — assuming prisoner employees are subject to those laws.

California Labor Federation executive John Henning saic he's not ready to rely upon Legislature-approved bills to gain se curity. Security, he said, should be provided in the state constitu tion.

And despite public opinion polls that show most Cali fornians think prisoners should work for their keep, the oppo nents may have the upper hand because of a 1879 prohibition i the state Constitution against the use of inmate labor by privat enterprise. Deukmejian is pushing a constitutional amendmen that would repeal this prohibition.

Such proposals have been defeated in the Legislature in th past, but this time Deukmejian hinted he will take the issue di rectly to the public through the initiative route if his proposa does not get the two-thirds vote from the Democratic- controlle Assembly and Senate.

A recent California Poll suggested that voters will approv the amendment if given the chance. According to the poll, nearl nine in ten Californians agreed prisoners should be allowed t work to help pay the cost of their incarceration.

The governor's plan is modeled after a work program nov used by the California Youth Authority — the Free Venture Prog ram. Through the CYA program, private companies set up sho directly on prison grounds and employ youthful offenders a minimum or prevailing wages. Part of the idea is to establis realistic work settings. Offenders learn work skills that will in crease their chances for employment on the outside, improv

Christine Kohn is a California Journal *intern.*

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might in desperation turn to criminal activities, eventually becoming convict workers themselves.

The pro-work argument appeared early in the state's history. In 1851, less than a year after joining the Union, California handed its entire state prison system over to private entrepreneurs who promised to keep the state's convicts in exchange for their labor. The fact that California had no effective means of collecting taxes from a mobile, mining population persuaded state officials that the establishment of a private prison made good sense. In fact, the experiment proved to be a costly one involving a running political debate over the correct interpretation of private prison contracts. Eventually, the experiment ended with the state paying an enormous sum to buy out the private-prison entrepreneurs' contractual rights.

Despite the fact that the extreme option of creating a private prison had failed, Californians kept the faith that prisoners could at least partially support themselves under a state-managed prison system. For the next 20 years, from roughly 1860 to 1880, the state contracted successfully with private entrepreneurs to operate industrial pursuits behind prison walls. The goods produced were sold on the open market to help support the prisoners themselves. During these years, it has been estimated, the money raised by these prison industries paid roughly half of the cost of maintaining the state's prison system.

The contract system, as it came to be called, had proven itself to be a financial success. Nevertheless, it was not universally applauded. Organized labor, primarily in San Francisco, argued that this competition was grossly unfair to free labor, already forced to contend with the low wages of the city's Chinese population. Indeed, organized labor in the new state's largest city cut its teeth on the related issues of Chinese competition and convict labor. Indeed, these two "evils" received the blame for every economic downturn. By the time of the state's second constitutional convention, held in 1878, organized labor had built a powerful political party pledged to ending both Chinese immigration and convict labor. The resulting constitution shaped by the Workingmen's Party reflected these positions.

The new state constitution, approved by the electorate in 1879, abolished the prison contract system, thereby making California the first state in the nation to outlaw this particular version of working convicts. Ironically, it turned out to be an empty victory, as the state began operating its own prison factories.

Early in the 1880s prison industries were expanded by the state, still officially pledged to the proposition that convicts should help provide for their own upkeep. Organized la-

work habits, and allow them to feel the rewards of wages and savings.

One Free Venture project hailed as an "outstanding success" by Deukmejian is the Trans World Airlines Satellite reservations facility at the Youth Authority's school in Ventura. TWA trains inmates as reservation agents to handle overflow calls. A

Deukmejian

Henning

graduate of the TWA program, 23-year-old Don Stanley, testified about its success at a recent hearing of the Assembly Committee on Labor and Employment. Stanley said the program provided him with job skills and a feeling of self-worth. Officials say that after 15 months, only two of 28 former TWA workers are back in prison. The normal return rate is about 40 percent. Nine of the former wards are employed full time with TWA.

Under the CYA program, participants are required to put 40 percent of their income into savings accounts for themselves or their families on the outside, another 15 percent goes for restitution to their crime victims, 20 percent to the state for room-and-board and 25 percent for pocket money. Inmates also pay any taxes owed on their income.

Five other related prison bills are currently in draft form. One bill gives investing companies a 10 percent tax break and allows companies to lease space, at below market rates, on prison grounds for up to 20 years. The bill also permits the director of the Department of Corrections to set wages for prison inmates.

The governor's plan also includes proposals to expand the market for inmate goods and services, including a requirement for cities, counties and non-profit groups to buy more prison-made products.

But businesses that would compete with those firms awarded contracts with the prison system are also concerned. They are particularly concerned that their competitors would benefit from the low cost for space and utilities, no health insurance or fringe benefits to pay, a constant workforce on hand, and the public-relations benefit of having a chance to "serve California," as GOP state Senator Larry Stirling put it.

A San Diego representative from the California Sheet Metal and Air Conditioning Contractors Association, Philip Vermeulen, testified that a CYA program is hurting sheet-metal workers in that area.

Free Venture administrator, Fred Mills, contends that even with benefits, it is difficult to draw industries into the program. An investing industry must deal with training costs for a large number of unskilled prison workers, high worker turnover (the average stay of a prisoner in the system is two years), and the "con games" many prisoners devote their time and effort to playing.

In the past, organized labor has had the clout to kill any proposed change in the use of inmate labor. But backers of the plan, backed by poll results, believe the public is now receptive to the idea and that, with some compromises on both sides, they may get a chance to voice their opinion at the polls in 1990.

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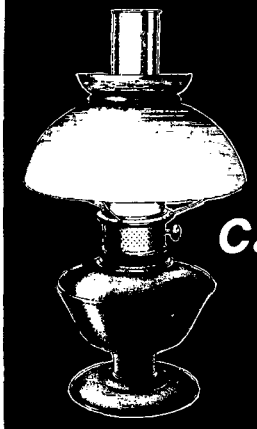

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bor cried that the state violated the "spirit" of the new constitution, but the literal language of that document had only abolished the contract system and not the state operating its own prison industries. As long as the state's prison enterprises had been restricted by the investment and marketing risks inherent in the contract system, prison industries had been kept somewhat in check. However, with prison industries managed by the state, and with the vast financial resources of the state intent on expanding productive convict labor, organized labor claimed in the early 1880s that convict labor had become an evil even worse that unfair Chinese competition.

Already worried by the slow death of the traditional apprenticeship system and buffeted by the prospect of new machines replacing skilled workers in the nation's factories, organized labor, particularly in San Francisco, was in no mood to accept additional competition from prison inmates. In fact, they argued that this competition would only put more youths out of work, that they would eventually be driven to crime, and end up working in the very prisons whose jobs had caused their demise in the first place. These fears led to state legislation at the end of the decade severely restricting all convict labor. Thereafter, California law limited state convicts to a very few officially sanctioned enterprises. Thus began California's tradition of not allowing most of its convicts to engage in meaningful productive labor.

During the Progressive Era of the early 20th Century, organized labor had argued nationally that prison industries should be restricted to state-use items only. At that time, labor hoped to get prison-made items banned from the free market and restricted solely to governmental purchases. California's existing ban on all prison-made items except for jute bags and crushed rock made this ploy somewhat redundant. Nevertheless, as "state-use" was part of the national Progressive agenda, a state-use law was enacted in California. Ironically, in California this law potentially allowed for an expansion of prison industries, as the state continually needed numerous items ranging from institutional clothing to various kinds of furniture. However, at that time, new prison industries were added slowly, as the state intentionally failed to finance them. In short, the state-use idea became only an abstraction in California.

During the 1920s convicts were allowed to construct new highways in the most remote parts of the state. This program received much publicity due to its success in reducing the alienation of the small minority of prisoners that were allowed to participate. By the end of that decade, the California Taxpayers Association attempted to make self-support of the state's convicts a major political issue. However, the coming of the Great Depression destroyed this effort and also effectively killed the highway construction program. With massive unemployment of free workers, the employment of convicts became a very low priority.

The coming of World War II radically reversed this trend and created extreme labor shortages. Government at all levels temporarily shelved scores of restrictive laws, allowing the state's prisoners to engage in a myriad of new industries, most of them involving the production of items for the war effort. During the war years, government encouraged prison-industry managers to value efficient work. Under these conditions, the prison work environment helped rehabilitate many convicts. Many observers noted the change in attitude behind the walls. But with the end of the war, the old politically imposed restrictions returned along with their socially destructive consequences. California authorities attempted to avoid a return to idle, alienated prison populations with a new em-

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phasis on training inmates for real jobs on the outside. Unfortunately this approach failed to train the state's prisoners in the fast pace and demanding expectations of a real industrial workplace. Leisurely making products only to see them later dismantled did little to promote meaningful inmate rehabilitation.

Several years after the war, the state inaugurated a new program that for the first time provided money for state-use prison industries. However, statutory production ceilings in every approved prison industry kept the program under tight controls. This same legislation also founded the Prison Industry Board initially called the Correctional Industries Commission. With membership from business and labor groups, the board functioned as a watchdog agency to insure that free economy interests would never be materially threatened by the principle of state use.

Although the tradition of allowing only a small minority of convicts to work (and an even smaller minority to be involved in meaningful, efficient work) is a century old, current political conditions suggest the potential for a significant public-policy reversal.

The state is facing increasingly tight budgets, caused in no small part by the rapidly rising cost of incarcerating prisoners. Indeed, in the 1980s the percentage of the state budget siphoned off to corrections has almost doubled. While the public wants more prisons, it does not necessarily want other programs to go wanting. Between the rock and a hard place, Governor Deukmejian is advocating that the idle inhabitants of the state's prisons be put to work to help provide for their own maintenance.

For the last hundred years, politicians have typically railed against the evil of idle convicts, then conveniently overlooked the details of why they were idle. Convicts will never become even partially self-supporting without numerous changes in both statutory and constitutional law. If, unlike all of his predecessors over the past century, Governor Deukmejian is serious about moving toward all able-bodied prisoners being engaged in productive work, we might well witness a reform of major proportions.

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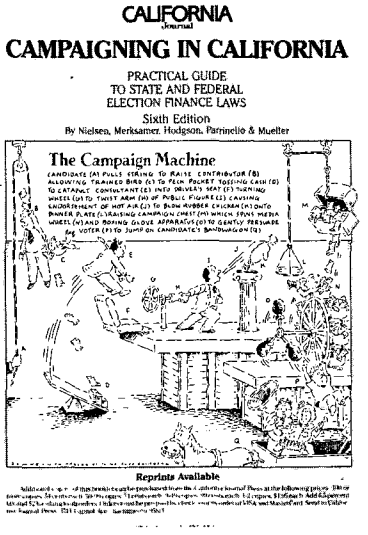

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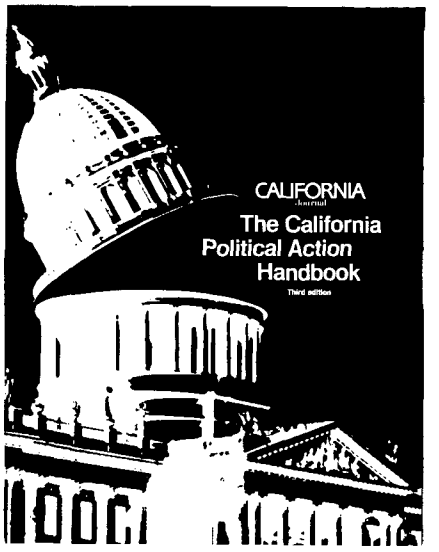

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THE REAGAN EXODUS

State's Potomac punch on the wane?

By Larry Liebert

When census-takers fan out across America next year, California can expect to reap definite political advantages. Demographers project that the nation's largest state is growing fast enough to claim five or six more seats in the House of Representatives on the basis of the 1990 census.

The notion that California's 45-member House contingent is about to get even bigger has representatives from other states understandably edgy.

"People say, 'Oh, God, 51 members of the California delegation? It's overwhelming,'" recounted an aide to a senior California congressman.

Such remarks reflect both the clout California enjoys through its sheer numbers and an undercurrent of resentment that sometimes undermines the state's influence.

"Anti-California sentiment? I think we're so big and we're such a mini-country that people don't quite understand us," said Karen Spencer, who was formerly Governor Deukmejian's lobbyist in Washington. "When you don't understand things, sometimes you'll feel a little fearful."

"We are in some ways like the giant in Swift's tale, tied down by Lilliputians," said Representative Vic Fazio, a West Sacramento Democrat, who serves on the crucial Appropriations Committee. "People tend to gang up on the big guy. Our numbers are such that we make people paranoid."

Some observers believe such congressional resentments have blocked big projects from going to California. An earthquake research center was placed instead in Buffalo, New York (of all places). The Sematech research center into high-tech chips and the multi-billion dollar Super Collider atom-smasher both went to Texas. In a recent report in the *San Jose Mercury*, reporter David Willman called this the ABC — anywhere but California — syndrome.

But Fazio said that other states are at least as likely to gang up on California when it comes to writing arcane fund-

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Larry Liebert is Washington Bureau Chief of the San Francisco Chronicle.

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ing formulas that parcel out billions of dollars for education, welfare and environmental programs.

To be sure, California's representatives hardly seem inclined to trade their resented size for the modest influence of, say, Rhode Island. These days, however, Californians might envy Texas.

The Texas congressional delegation already was considered formidable in its positions of influence — including

Coelho

Panetta

Fazio

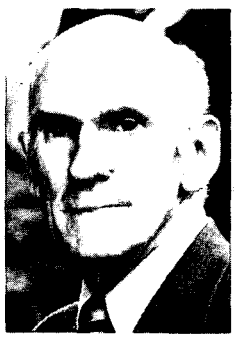
those of House Speaker Jim Wright and Senate Finance Committee Chairman Lloyd Bentsen — and its hard-charging style when it comes to winning pork-barrel benefits for the folks back in the Lone Star State.

Now Texas has an adopted son in the White House to look after its interests. President Bush's Cabinet is also loaded up with Texans, including Secretary of State James Baker and Secretary of Commerce Robert Mosbacher. The only California-born representatives in the Cabinet, Housing and Urban Development Secretary Jack Kemp and Trade Representative Carla Hills, moved East long ago.

"This administration is short of Californians," said Fazio, but he added, "You name me one thing Ronald Reagan did for California. An LBJ he was not."

Although Texas' President Lyndon Baines Johnson showered federal benefits on his state, California's Reagan had fewer goodies to deliver as a budget-cutting conservative.

In Congress, California's clout depends not only on sheer numbers but also on growing seniority, the staying



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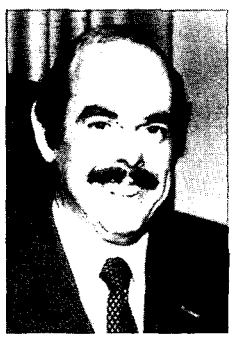

Waxman

power that guarantees a member will move up in the Capitol's pecking order. On the Senate side, Democrat Alan Cranston enjoys the number-two job of majority whip. He prides himself on his reputation as the Senate's best vote-counter, winning attention and prestige for his ability to predict tight floor votes on key issues. After a frosty relationship with former Majority Leader Robert Byrd of West Virginia, Cranston expects to be taken more into the confidence of new Majority Leader George Mitchell of Maine.

After two decades in the Senate, Cranston is also a senior member of the Banking and Foreign Affairs Committees and chairman of the Veteran's Affairs Committee. The biggest question about Cranston is whether he will be fit and able to run again in 1992 — when he will be 78 years old — as he has promised.

By contrast, Republican Senator Pete Wilson has only a modest investment in the Senate's seniority system, having just won election to a second six-year term. He is one of the most hawkish members of the Senate Armed Services Committee and serves on the Agriculture Committee, although he lost a seat on the Commerce Committee in this year's reshuffling of committee assignments. Wilson will throw away whatever seniority he has accumulated if, as he intends, he runs for and wins the governorship next year. Only months ago, Wilson was boasting that he had "broken the jinx" of one-term senators in the seat he now holds.

Much has been made in California about the wild-and-costly pair of simultaneous Senate races that would be conducted in 1992 if Wilson becomes governor and Cranston does not run again. But the more important implication for the state is that California could end up with two green and lowly freshmen as its representatives in the Senate.

On the House side, the brewing conflict over reapportionment has placed the focus on the partisan line-up

Lewis

Dornan

Dellums

of California's delegation. Partly through the gerrymandering skills of the late San Francisco Representative Phillip Burton in the notorious reapportionment of 1982-83, Democrats enjoy a solid 27-18 lead over Republicans in the California House delegation.

Republicans are determined not to let the next reapportionment go as badly as the last one. "The voters go out and they elect Ronald Reagan twice and they elect George Bush on a statewide basis," Governor Deukmejian complained during a visit here recently, "but then, because of reapportionment, the makeup of our congressional delegation does not support the policies that the presidential candidate campaigned upon .... A president needs as much support as possible in Congress."

Even in making that partisan pitch, Deukmejian acknowledged that the California congressional delegation usually pulls together when it comes to their homestate's parochial interests.

"I have found that the effort has been bipartisan," he said. "I have found that both sides will work together on behalf of projects that inure to the benefit of California."

In the Democratic-controlled Congress, the number that counts most for California's interests is the impressive total of key positions held by the state's representatives. This year House Democrats from the state hold eight full committee chairmanships and 22 subcommittee chairmanships.

The most powerful Californian in the House is Majority Whip Tony Coelho of Merced, a bright, brash, deeply partisan legislator whose influence continues to grow. The second most powerful is probably Representative Leon Panetta of

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Monterey, a Democrat who took over the chairmanship of the House Budget Committee in time to play a leading role in deficit reduction negotiations with President Bush (see "Panetta," *CJ*, February 1989).

Representative Vic Fazio gains clout not only from his spot on the Appropriations Committee but because he heads its subcommittee on legislative affairs. That gives him the role, much appreciated by his peers, of crusading for perks like a congressional pay raise. Fazio has been called the "Mayor of Capitol Hill" and the House's "shop steward."

Other majority party Californians exert tremendous influence in specialized fields. To name a few examples: Glenn Anderson of Long Beach is the new chairman of the Public Works and Transportation Committee. Henry Waxman of Los Angeles heads a subcommittee on health that makes him a leader on issues from smog to AIDS. George Miller of Martinez heads a subcommittee on water, power and energy and is in line to take over the full House Interior Committee whenever aging, ailing chairman Mo Udall of Arizona retires. Ron Dellums of Berkeley is the new head of the Congressional Black Caucus and also recently stepped up to the chairmanship of the Armed Services Committee's subcommittee on research and development.

Overseeing this varied contingent of House Democrats is Don Edwards of San Jose, the genteel dean of the state's congressional delegation. Although occasionally criticized for failing to exercise his leadership role as head of the delegation forcefully enough, Edwards' approach is to "allow people to blossom" in their own fields of specialty and influence, as an aide put it.

That suits most of the eager young California Democrats perfectly well. 'What our generation has tried to do is figure out ways to give everybody places in the sun," said Fazio. "We don't have a Phil Burton marching around and dictating to us as to who will do what."

Republicans remain a sometimes forgotten minority in the California delegation, just as they are in the House itself. A few of the state's Republican House members are shouters, who get attention and occasionally shape issues through their inventive bombast and unyielding conservativism. Bob Dornan of Garden Grove plays that role in foreign-policy debates; William Dannemeyer of Fullerton does the same on social issues such as AIDS and gay rights.

Less flamboyantly, some California Republicans are moving up in the House hierarchy, albeit within the limits of their party's minority status. Jerry Lewis of Redlands is the prime example. This year he beat out Lynn Martin of Illinois in a contested race for chairman of the House Republican Conference, the number-three job in the House GOP leadership.

Friendships sometimes cross party lines among the Californians. Lewis is the ranking Republican on the Appropriations Legislative Affairs Subcommittee that is headed by Fazio. The two share the common bond of service together in Sacramento back when they were both in the Assembly. Despite such camaraderie, the California contingent in the House is more philosophically polarized than most. The state's Democrats are among the most liberal anywhere and the Republicans are among the most conservative. When an emotional and ideologically-polarized issue reaches the floor of the House — an issue like aid to the Contra rebels in Nicaragua — California's Democrats and Republicans can be counted upon to take part enthusiastically in opposite sides of the debate.

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JUMPING

UCLA stages a p

By

Editor's note: UCLA was asked to host the second and final presidential debate of the 1988 campaign in October. The university had one week's notice. The invitation came during a period of intense criticism about the negativism of the two campaigns, about the validity of this particular format as a debate and about who was to blame for the failure of the original plan for the debate to proceed in Los Angeles at the Shrine Auditorium. What follows is a personal reminiscence by Alan F. Charles, UCLA's vice chancellor for public affairs and the university's point man for the debate. The article is not about the issues; it is about moving mountains. As Charles relates, putting on presidential debates is definitely not for the faint of heart.

Wednesday, October 5th

There is a phone message on my desk when I return from a late afternoon meeting. It is from Senator Pete Wilson's office, wanting to know if UCLA could possibly host the final presidential debate, one week hence.

"Absolutely," is my first reaction, knowing from experience that it is lunacy to mount this kind of effort in one week. But it seems clear that some frantic steps will have to be taken if there is to be a second presidential debate at all in 1988.

Sanity points out to me that we are talking about the two presidential candidates on campus at the same time, with their campaign staffs, advance men, the Secret Service, the need for an appropriate venue, accommodations both physical and egotistical, overwhelming security requirements, uncertain costs, a ticket problem more serious than the USC football game, and all this in the second week of school with facilities use at peak demand.

I reach Chancellor Charles Young that night. He is at an airport on his way to a meeting at the university's White Mountain Research Laboratory. I lay the proposal before him.

"Absolutely!" is his first reaction.

I knew it.

Thursday, October 6th

Phone calls begin to fly furiously from the multi-headed monster that is a presidential debate to the one that is UCLA. Someone has called someone else to check on Royce Hall's availability and been told there is a conflict. A Bush advance man is discovered in the Royce Hall lobby. Someone in the Dukakis campaign has told one of our facilities managers that the debate has already been set for the following Friday in Royce Hall.

A friendly public official calls to warn of competition for the site from USC and Pepperdine. What does UCLA have to offer? A free auditorium and a good track record, I respond, slightly

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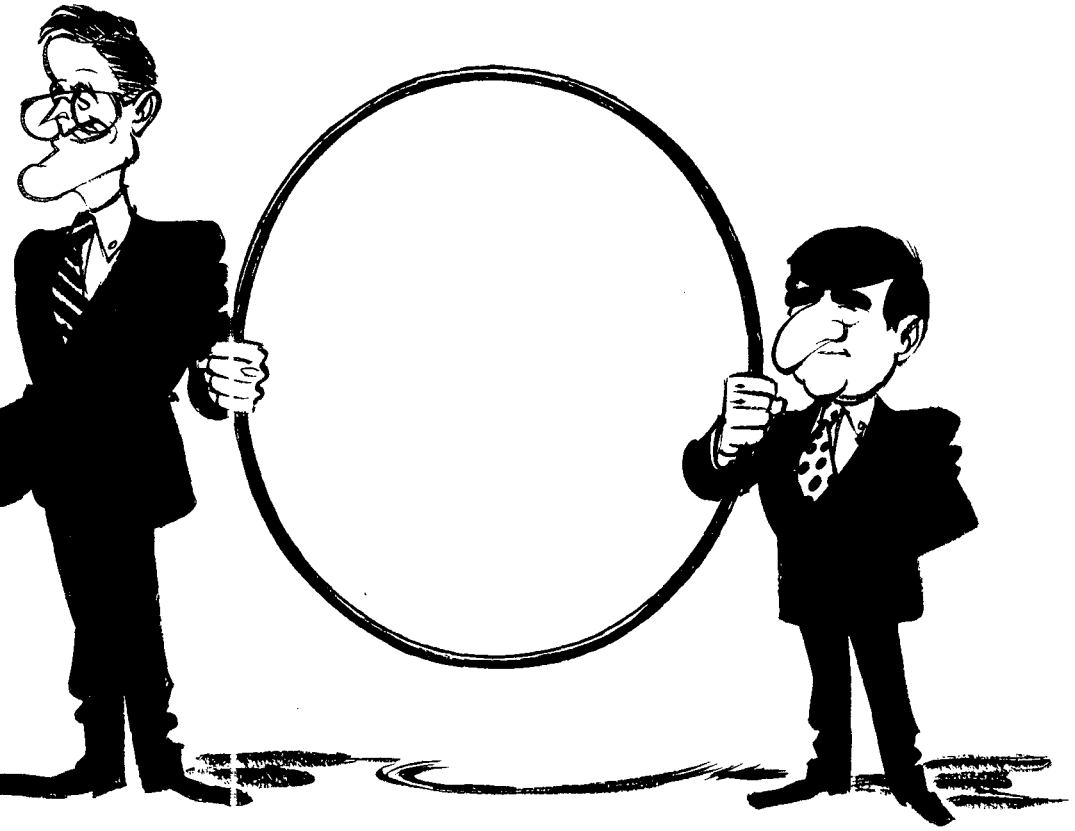

GH HOOPS

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miffed. Our public information office informs me that a news service is reporting that Jerry Buss is offering the Forum for the debate.

Finally, there is a call from UCLA Management professor Bill Ouchi, author of the best seller about Japanese teamwork, *The Ory Z*, and we begin to restore order. Ouchi, it turns out, is an advisor to the Commission on Presidential Debates and this private bi-partisan non-profit group is in charge of the debate. Moreover, he says, the commission's executive producer, Ed Fouhy, is on an airplane to Los Angeles at that very moment. He wants to look at sites, and he intends to meet that afternoon with Ouchi and the production staff of ABC News, which will provide the pool coverage. Is UCLA interested?

"Yes, we are," I repeat, and agree to meet with this group at 6:00 p.m.

The troops gather in the James West Alumni Center on campus at the appointed hour: a dozen representatives of various UCLA departments, including conference planning, policy and the Royce Hall and Pauley Pavilion staffs. Ouchi arrives with a half-dozen ABC people. At last, Ed Fouhy, who has produced the Wake Forest and Omaha debates, strides in. He is an affable man with a no-nonsense manner, and he gets right down to business. I wonder if his hurry means he is on his way to look at other sites as well.

As we begin our walk around campus, it is plain to me that these are not the people who talk contract, cost, tickets or social amenities. These are the people who stage the debate itself, with its incredible electronic and media logistics. I will have to wait for another day to figure out the rest.

Our first stop is Pauley Pavilion, just a few yards from the West Center. This is an attractively designed and decorated basketball arena, but it is a basketball arena. It is cavernous, dark and its echoes are not those of serious discourse, unless you consider a double overtime for the Pac-10 championship serious. It takes a very good imagination to construct a presidential debate in this setting.

The next stop is Ackerman Student Union, a hundred yards to the east. Its Grand Ballroom, with a built-in stage, is a possible alternative. It was used as the press room for the 1984 Olympics, and Fouhy thinks that would be a good use for it now. More than 2500 members of the media are expected, and he is pleased to learn that the telephone patching boards from the Olympics are still in place. They would need 700 telephones in the room within the next few days. We are fortunate that our public information officer, Darlene Skeels, doubled as Olympics Press Liaison. She has the steel will of a lion tamer, a fundamental skill when dealing with the press.

Finally, this strange parade trudges up a hill in the twilight toward Royce

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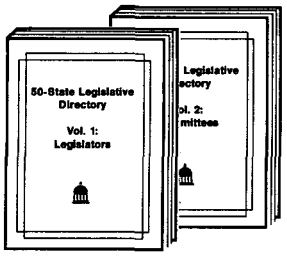

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Hall, *grande dame* building of the campus, with its graceful Renaissance lines and stunningly redecorated rococo auditorium. This entourage of outsiders from New York and Washington fall in love with Royce Hall on the spot, and the first piece of bad news dampens everyone's spirits. Royce is irrevocably booked the next Monday and Tuesday — ironically, for the taping of an HBO election special. The presidential debates, Fouhy says, need the whole week to set up, and this won't work.

We return to Pauley Pavilion and begin a closer examination of the premises. A curtain can be dropped and a stage erected at center court. This has been done for fund-raising dinners in the past. National television is no stranger to Pauley. The ABC technicians in the group had worked here during the gymnastics competition in 1984. The basketball locker rooms and coaches' dressing rooms could be used by the candidates. There is a truck tunnel at the west end of the arena that the Secret Service could use to deliver the candidates. We may put in 1200 seats, I am told, because the campaigns do not want the scene to resemble a convention. The Omaha vice-presidential debate the week before was marked by audience rowdiness, and officials want more control. Later, it occurs to me that since two-thirds of the tickets go to the campaigns, it is their own supporters who need to be controlled.

"I think this place can work," Fouhy declares, having more imagination than I.

Friday, October 7th

There is a crowd in the West Center this morning. The ABC people are here, and so are CBS, NBC, CNN and C-Span. There are representatives of what Fouhy descriptively calls the "pencil press," including reporters from the *Los Angeles Times*, the *New York Times* and the *Washington Post*. The Secret Service, police and fire departments are present, as well as two dozen UCLA people who know about things like communications, air conditioning and traffic control.

This stuff is getting over my head, I realize, and it is with considerable relief that I welcome to the group the chancellor's assistant and master organizer, John Sandbrook, and hand over to him the logistical reins. I can throw a cocktail party, but I have no idea about the number of amperes available in Pauley Pavilion, nor how many cars will fit on the athletic field.

Also to my relief, Chancellor Young comes, too. Fouhy has told me that if this goes forward, it will soon become a big pain in the you-know-what for UCLA, and I want him to repeat this to the boss. The chancellor meets with Fouhy first, and seems satisfied with the plan.

The networks, the debate stagers and the security people all want to see Pauley, since most were not here last evening. An enthusiasm is building and the imagination is less strained this time. But we are only seven, or maybe six, days away, and so far all we have done is talk.

Back at the West Center, the assemblage reconvenes. Fouhy announces that the presidential debate will be held next week, on Thursday, October 13th or Friday, October 14th, depending on the outcome of the American League playoff games. The media people seem ruffled but resigned to this, knowing the uncertainty it throws into prime-time schedules across the country. Given that Oakland is leading Boston two games to none at this point, Red Sox fan Fouhy is rooting for Friday. He whispers to me, "Is it all right to announce that Pauley Pavilion will be the site?"

"Absolutely," I whisper back.

Saturday, October 8th

I thought that it might be a mistake to go to the Oregon State football game, and it was. When we return home, at midnight Washington, D.C., time, there is a message on the answering machine from Ed Fouhy, who has gone home for the weekend. I call and hear about the parking problems of technicians who have already arrived, that there has to be a contact person on campus at all times for the "unilaterals" (debate jargon for those not directly affiliated with the debates), that Sunday access has to be provided for telephone and other installations that we thought would not start until Monday. Fouhy reminds me that they work on weekends in their business, and I growl back something about our knowing how to do that, too. The rest of Saturday evening is spent on the telephone finding UCLA staff. The big pain in the you-know-what has begun.

Sunday, October 9th

The debate commission's executive director, Janet Brown, will be arriving at UCLA at noon on Monday. An office for the commission staff has been prepared in Pauley Pavilion and telephones are already installed. We will all meet the next day. This evening, Boston loses the playoffs to Oakland in four straight, which means the debate will be on Thursday, which means one less day to put it together.

Monday, October 10th

The meeting at noon in the West Center has become even larger, with the

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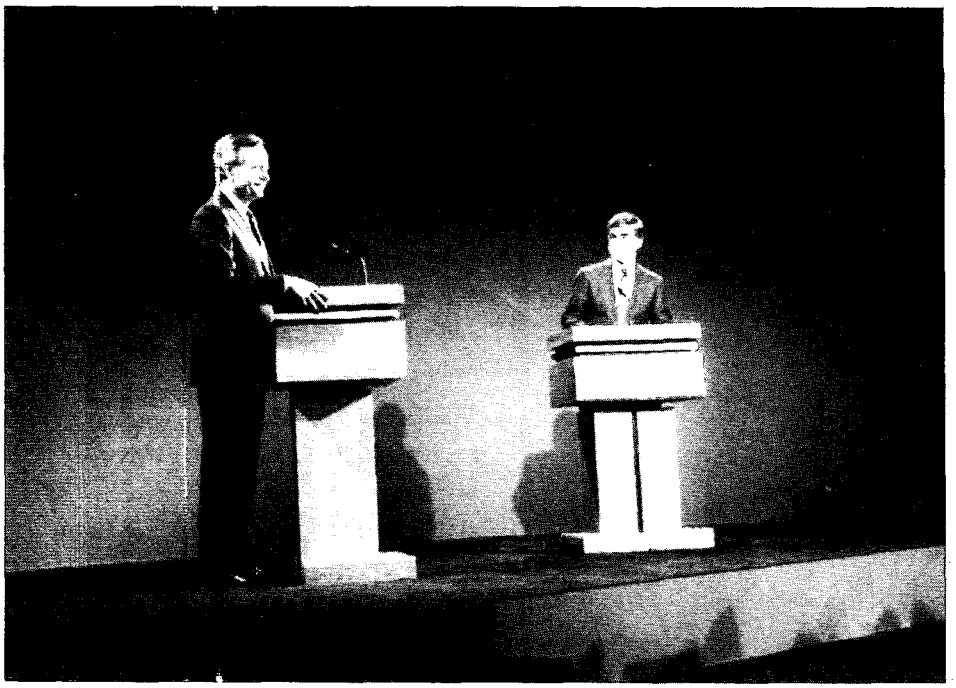
addition of Bush and Dukakis campaign staff. We have arranged for sandwiches for the group, which infuriates Fouhy. " don't like people to be comfortable at meetings," he explains. But we proceed.

This man knows how to run a meeting, even with 100 people. It is largely technical, about stage size and strength, security perimeters, media



parking, power in Pauley. Our UCLA staff promptly and intelligently answers every question. The campaign staffs are compliant and even jovial with each other. The whole thing, even with sandwiches, lasts no more than 20 minutes.

Commission executive director Janet Brown has arrived just as this meeting started, and now it is time to talk to her about the real stuff. How much is this going to cost, how many people can UCLA invite, should we provide a social reception for the audience afterward?

Brown says the commission and media will pay their own way for the special construction and other technical additions required. The chancellor has approved this division of cost, and I know that Wake Forest University had promised to raise $500,000 for the expenses of the first debate.

We are informed that the vast majority of the planned 1200 seats are already committed to party officials, donors and sponsors of the debate. This is simply part of the deal, and it is too late to change without endangering the debate itself. Of course, their self-imposed seat limitation makes this a Catch-22. The best UCLA can hope for, she says, is 50 seats. This is going to be fun. There is something to be said for having no tickets at all, because I know what allocating seats at popular events is like.

Tuesday, October 11th

The frantic steps I anticipated are now being taken, everywhere at once. It is like a chain reaction. Television news trucks and trailers are moving onto the athletic field just north of Pauley Pavilion, cables are "flying" over Bruin Walk into Pauley, the largest laid on the ground under short wooden bridges that carpenters are busy building; tables, telephones and television monitors by the hundreds begin to fill the student union's giant "press room." Pauley itself is being transformed. Rented blue carpet is laid, chairs brought in, the stage and specially constructed wings and screens erected. Each wing of the stage is decorated with a giant American star, flanked by the logo "Commission on Presidential Debates." Network anchor booths go up at the rear of the hall, each just a 12 x 12-foot platform separated from the others by curtains, onto which will soon climb Dan Rather, Tom Brokaw, Peter Jennings and their friends.

Despite the obvious progress, the day is not without controversy. The Secret Service doesn't like the proximity of some of the trucks to the Pavilion and the *Daily Bruin* is reporting that students will not get tickets. At the end of the day, Janet Brown informs me that the campaigns have overextended them-

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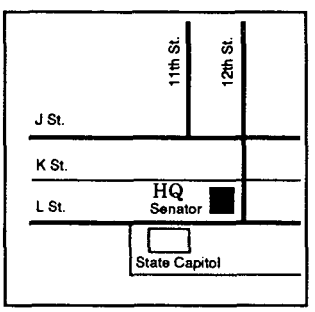

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selves in the great Los Angeles fund-raising market and cannot meet their obligations unless the seating is increased to 2000. However, this will mean 100 tickets for UCLA, which is both good news and bad news.

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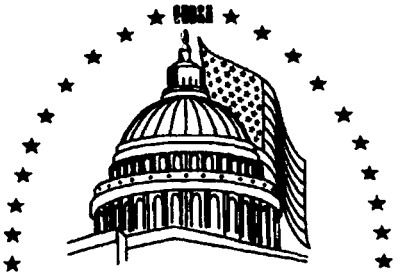

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Wednesday, October 12th

Now I know what it feels like to be in the vortex of a whirlpool. The frantic pace has become frenzied. I confer with the chancellor and others about tickets, and we more or less proportionally allocate them to student leaders, the faculty, senior administrators, major donors and volunteer leaders. Janet Brown offers to use UCLA student ushers, which will allow an additional 40 students to attend. It soon becomes clear that some of the substantial citizens we want to invite aren't interested. One of them tells me, with a note of conservative resignation in his voice, "I wish it were Bush and Bentsen."

Thursday, October 13th

D-Day. Pauley Pavilion is now a big, fortified television set. Portable steel fencing surrounds the arena, manned by university and Los Angeles police. I hear there are Stinger anti-aircraft missiles on the roof. There are many tall men in dark suits wearing sunglasses and little curlicues of wire coming out of their ears. I am issued one of a short supply of the ever-changing Secret Service identification pins, this one a black rectangle enscripted with a white "S."

Airport-style magnetometers are erected at two entrances to Pauley, through which we all must pass each time we go in and out during the day, and through which each member of the audience must pass this evening.

In the meantime, despite the excitement and the disruption, campus life goes on pretty much as usual. All day, hundreds of students pass Pauley on their way to and from their dormitories, seemingly oblivious to the giant happening that is about to occur. This is the big city and these are big-city kids. I am told that at Wake Forest they closed the entire campus all day except to authorized visitors, which would have been laughable to attempt at UCLA.

Vice President Bush and Governor Dukakis take turns visiting Pauley to test the stage, the sound and the podiums. Pauley is closed by the Secret Service during these separate one-hour visits. Each candidate manages to get in and out without notice. On one of my many errands to the debate commission office, I happen through the concourse level while Dukakis is in the middle of his practice session. Members of his staff sit at the press panel table, lobbing questions at him. I do not linger, since prior press leakage of these rehearsals has caused both campaigns a lot of consternation, but he does seem a rather forlorn figure, virtually alone on the stage in this huge place, earnestly trying to advance what to many at the time seems a lost cause.

Back in my office, one of the many phone messages catches my eye. It is from Tom Brokaw, out there somewhere in the maze of trailers, who was a

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personal friend when he worked in Los Angeles at KNBC. I make my way to the field and get directions to the NBC complex, which consists of four or five mobile homes stripped of everything except electronic gear, telephones and a few tables and chairs.

When I find Tom, he is huddled at a table in deep discussion with reporter Andrea Mitchell, who will be on the panel in tonight's debate. He looks up and recognizes me, and then smiles, "Will you wait outside for a minute, Alan; Andrea and I are managing the news." My guess is that they are going over questions for the debate.

After a few moments Tom comes out and we have a pleasant chat that seems incongruous in the midst of this war zone of trailers and cables, outside of a basketball arena within which the future of the Western world will be debated in a few hours. The conversation is mostly about our children; his youngest daughter and my youngest son, who went to nursery school together and who are now college students at Duke and Berkeley, respectively. He invites Chancellor Young and me to watch the NBC Nightly News broadcast, which, like all the others, will originate that day from the tiny anchor platforms in Pauley.

University of California President David Gardner is coming down from Berkeley to attend the debate, and has asked if it might be possible to meet the candidates backstage before or after the festivities. The campaign people have all said "no" up to this point because their schedules will not permit. Then suddenly the word comes through that Vice President Bush will welcome Gardner and Chancellor Young backstage for a few minutes after the debate. I suspect that this has something to do with the fact that Bush's chief of staff, Craig Fuller, is a UCLA alumnus. I drop this piece of news on the Dukakis staff, in the interest of fair play, but their reaction is non-committal.

The evening has arrived, and I watch hundreds of well-dressed people, the political movers and shakers, make their way from nearby campus parking lots toward Pauley. The queues grow as they begin to move, one by one, through the metal detectors. I am in the heavily-guarded West Center, watching the crowd and waiting for some of the dignitaries to arrive. Henry Kissinger and a couple of U.S. senators are whisked from their limos into the building and out the other door so that they can enter the arena by a back entrance.

Then the phone rings on the West Center reception desk, and I am told that it is the Dukakis dressing room in Pauley calling for Chancellor Young. "Aha," I think, "this is it!" They know me by now and so I pick up the phone. The Dukakis staffer says, "Hey, Alan, we need some juice here — the place is so hot it's cooking — you've got to get the air conditioning turned up!" For this they want the chancellor? I tell him I will do my best, and hang up.

When we finally make our way into Pauley I see that the transformation is complete. The only resemblance it now bears to the years of basketball glory are the dimly visible national championship banners hanging far above the floor.

Everyone who is anyone in national politics seems to be here, milling about, greeting those they know and those who wish they knew them. There is a clear line of demarcation between the left half of the audience, which belongs to the Republicans, and the right side, which holds the Democrats. The irony of this seating arrangement is lost.

Finally, before the cameras turn on, Chancellor Young delivers a word of welcome and then Republican National Chairman Frank Fahrenkopf and his Democratic counterpart, Paul Kirk, come on the stage to warm applause. They exchange sincere statements of mutual admiration, and gratitude to UCLA. Each urges his partisans not to disrupt the proceedings with noises either of appreciation or disapproval, admonitions that take only a few minutes to dissolve.

When they are gone a nervous, whispering silence descends on the 2000 spectators, interrupted finally by a disconnected voice from the stage stating firmly, "three minutes." Simultaneously, another voice near the television booths shouts, "one minute." The networks come on two minutes before the candidates in order to provide the introductions. These calls are repeated every few moments through, "ten seconds", and then you can see the anchormen begin to address their cameras. I am closest to ABC's Peter Jennings, and, as the booths are not enclosed, I can hear him tell his national audience where they are and what is about to transpire.

Then the unseen stage voice announces, "Ladies and gentlemen, Vice President George Bush and Governor Michael Dukakis." The two candidates stride onto the stage at exactly the same time, break into large smiles and shake hands before a cheering audience that seems, at least for the moment, to love them both. The debate is on.

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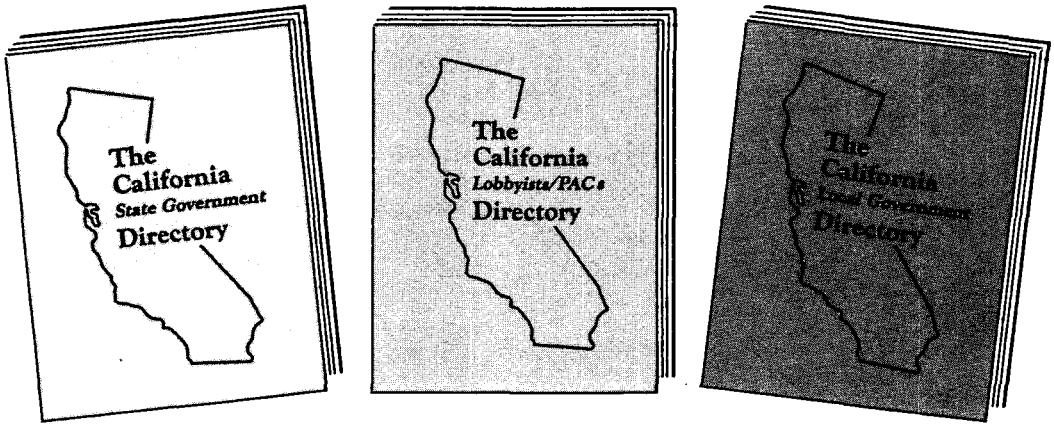
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Lawyer-legislators: The Capitol's endangered species.

By Charles Price and Charles Bell

Once, they dominated the halls of the state Legislature. But in recent years, the lawyer-legislator has joined the snail darter, Northern spotted owl and California condor as yet another endangered species. Lawyers have not completely disappeared from the Legislature; attorneys Willie Brown and David Roberti lead their respective houses, and attorneys still occupy a sizable portion of statehouse seats. But the number of lawyer-legislators has declined substantially over the past several decades, and the legal community no longer has the kind of Capitol clout it once enjoyed.

Traditionally, lawyers have been the dominant occupation for lawmakers both in Congress and in the various state legislatures. For example, although attorneys make up less than 1 percent of the total U.S. work force, they accounted for 62 percent of the U.S. Senate and 56 percent of the House of Representatives in 1988. Throughout this century, lawyers have usually made up about one-quarter to one-third of the membership of state legislatures.

In the past, lawyers seemed almost ideal candidates for the Legislature. Not only was lawyering an esteemed profession, legal training prepared candidates for the mental rigors of campaigning and politics by emphasizing logic, rhetoric and debate. Law students were also trained to understand complex and technical legalese, an expertise that

Continued on next page

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readily transferred into bill drafting and amending.

Lawyer-legislators also seemed better suited than non-lawyers at representing diverse interests. The process of compromise inherent in judicial proceedings translated well into legislative bargaining. Many so-called "unwritten rules" which maintain decorum in the legislative arena appear to have been partially adapted from the courts; for example, the gracious and formalistic speech that often punctuates legispeak, the etiquette governing legislative conduct and the custom of not attacking colleagues personally on the floor. Lawyers and legislators both are supposed to debate one another without the debates turning personal.

However, as noted in the charts on pages 183 and 184, there have been some significant changes in the occupational makeup of state legislators elected over the past 20 years.

The decline in the number of lawyer-legislators has been substantial. In 1969 lawyer-legislators made up more than one-third of the Assembly and more than one-half of the Senate; in 1989 they accounted for only one-fifth of the Assembly and less than one-third of the Senate. Their power has suffered a similar decline, for fewer of them today chair policy committees or serve on law-oriented committees.

Why the decline?

First of all, lawmaking is far more time-consuming than it was 20 years ago when serving in the Legislature was a part-time job. Back then, said Republican Assemblyman Chris Chandler, a Yuba City attorney, "Lawyers who were serving in the Legislature would spend a few months in Sacramento every other year and then would return to their law practices after session." Chandler, who said he continues to perform some legal work, explained that judges often would allow lawyer-legislators to delay cases if they conflicted with the legislative session. Chandler indicated that because the legislative job takes far more time today, it is increasingly difficult for lawyer-legislators to handle many cases while holding office.

Potential conflicts-of-interest also worry lawyer-legislators. Laws governing lawmaker ethics and more stringent rules for reporting income earned outside the Legislature are more numerous and more rigorously enforced than 20 years ago, and lawyers are forced to curtail their legal work to remain in compliance. Chandler, for example, said he confines his legal work to will and probate work. Another lawyer-legislator, Democratic Assemblyman Elihu Harris of Oakland, resigned from his law firm to avoid any potential conflict of interest, although he continues to serve as the firm's legal counsel. He also observed that as a lawyer he would not represent any governmental agency because of conflict-of-interest ramifications.

In short, the old, part-time Legislature, with its looser rules and non-existent reporting requirements, provided more opportunities for attorneys to dabble in politics for a few months every other year but still maintain their law practices. The advent of the full-time, professional Legislature put an end to the easy shifting back and forth between lawyering and legislating.

Compensation is also a deterrence. On average, lawyers earn reasonably good incomes but must constantly compete in a crowded profession to maintain their standards of living. There is little time in an attorney's schedule for campaigning. Ken Cooley, a former legislative aide and lobbyist and currently a consultant to the Assembly Finance and Insurance Committee, contends that it is difficult for attorneys to run for legislative office because campaigning can become a full-time activity, especially for non-incumbents.

	Assembly	Senate
% of lawyer-chairs		
1959	25%	45%
1969	38%	52%
1979	42%	41%
1989	25%	29%
% of lawyers on A&S Judiciary Committees		
1959	100%	100%
1969	100%	100%
1979	77%	89%
1989	45%	54%
% of lawyers on Assembly Public Safety (Crim. Pro.)		
1959	80%	
1969	89%	
1979	55%	
1987	37%	

The main hurdle becomes how to support oneself and family while running for office. In earlier years campaigns were shorter, and it was easier for busy attorneys to get out and press the flesh. Today, those most adept at putting together the money, know-how and time required to run for office are

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ASSEMBLY

Occupation	1959		1969		1979		1989	
	#	%	#	%	#	%	#	%
Lawyers	24	30%	27	34%	21	26%	16	20%
Businessmen	34	42%	22	27%	18	23%	25	31%
Farmer-rancher	5	6%	7	9%	4	5%	3	4%
Local official/activist	3	4%	1	1%	13	16%	13	16%
Legislative aide	0	0%	4	5%	7	9%	11	14%
Educator	4	5%	6	8%	8	10%	5	6%
Engineer/construct.	2	3%	1	1%	4	5%	3	4%
Professional	4	5%	5	6%	4	5%	3	4%
Administration	4	3%	1	1%	0	0%	2	3%
Miscellaneous/vacancies	2	3%	4	5%	1	1%	0	0%

SENATE*

Lawyer	12	43%	21	53%	15	38%	12	30%
Businessmen	9	23%	8	20%	8	20%	6	15%
Farmer/rancher	4	10%	2	5%	3	8%	4	10%
Local official/activist	1	2%	0	0%	4	10%	6	15%
Legislative aide	0	0%	0	0%	2	5%	2	5%
Educator	2	5%	4	10%	5	12%	6	15%
Engineer/construct.	2	5%	1	2%	0	0%	1	2%
Professional	2	5%	2	5%	1	2%	1	2%
Administration	2	5%	1	2%	2	5%	2	5%
Miscellaneous/vacancies	1	2%	1	2%	0	0%	0	0%

* More than half of senate members during any given session have previously served in the assembly, however, Senators' occupations listed above are those they held prior to their election to the Assembly.

ex-legislative staff. They may or may not be attorneys but are not likely to be practicing the craft. For instance, three of the six members elected to the state Assembly in November 1988 were former legislative aides (Republicans Paul Woodruff and Carol Bentley and Democrat Willard Murray Jr.), two were attorneys (Democrats Ted Lempert and Bob Epple), and one had a business background (Republican Curt Pringle).

Legislators are not paid enough to lure attorneys into the political arena and away from lucrative law practices, argues Patricia Phillips, a Los Angeles attorney and chairman of the Professional Ethics and Public Action Committee of the State Bar. For example, Phillips said, attorneys fresh out of law school can earn more in their first year of practice — especially if they enter corporate law — than do California state legislators. Legislators currently make $40,816 per year, plus tax-free per diem of about $22,000 ($88 per day for the average number of session days, 250) for a total of $62,816.

Another incentive from the past that has not continued is the possibility of a judgeship for legislators friendly to the sitting governor. Gubernatorial appointments of legislators to the bench have occurred less frequently in the 1980s. Governors seem more reluctant to appoint legislators to any post because an open legislative seat would be created, making the governor's party vulnerable at the polls. Also, a governor might antagonize other attorney-legislators in his own party who were not chosen. This situation would be exacerbated should a governor give a judgeship to a legislator from the "other" party.

Lawyers may also shy away from a legislative career because of the Legislature's own reputation. Attorney Cooley speculated that some contemporary lawyers might decide against running because they believe the Legislature is too gridlocked. "Lawyers tend to be problem-solvers, and they may see the Legislature as being unable to solve problems," he said.

Lawyers have their own image problems, of course. A survey commissioned by the State Bar in 1988 reported that the legal system is generally viewed as sleazy, corrupt, and overcrowded, full of ambulance-chasers and con artists. The image is best symbolized by how lawyers are portrayed on the screen. Twenty years ago, they were the heroes of "The Defenders," "Perry Mason," "To Kill a Mockingbird" and "Inherit the Wind." Today, they are the mixed bag of "L.A. Law;" some principled and honest, others duplicitous and concerned only with profits. They are also widely mocked in popular "lawyer jokes;" the profession having largely replaced ethnic jokes as the butt of derogatory humor.

State Bar President Anderlini suggests that soap-opera attorneys like those on "L.A. Law" have contributed significantly to the decline in public image of the legal profession. As the State Bar's own survey noted, "The lawyer is seen as a powerful and often unscrupulous participant in the judicial system. Most of the general public and about half of the lawyers who were questioned agree that lawyers manipulate laws to get criminals released." Not all legal specialties were targeted for public contempt, however. Public defenders, corporate and immigration lawyers and district attorneys were generally considered honest and ethical. Those held in lowest regard were divorce attorneys and legislators.

Thus, being a lawyer is no longer an asset when it comes to running for office. Indeed, in some rural areas non-lawyers have been known to openly boast that voters should support them because they are not attorneys.

What are the implications if fewer lawyers serve in the Legislature? Current lawyer-legislators range the ideological spectrum from liberal to conservative. On strict partisan issues, the decline in their numbers will have relatively little impact. However, on law-related subjects such as civil rights, civil liberties, court reorganization, criminal punishment or procedural due process, there could be a substantial impact. Lawyer-legislators, both Democrats and Republicans, also presumably have more concern for the fine legal points of civil rights and civil liberties and more concern about procedural due process than many non-lawyer legislators.

Additionally, law groups (particularly the California Trial Lawyers Association and, to a lesser extent, the State Bar) which have customarily had such a receptive audience in the Legislature will probably encounter more difficulty getting their way because they have fewer in-house lobbyists (lawyer-legislators). They will become just one more interest group whose clout is measured in tangible campaign contributions rather than on intangible assets like "professional brotherhood."

Ex-legislative staffers have become the fastest growing profession in the state Legislature. Lawyers are not likely to reverse this trend and re-establish their dominance because they can earn far greater incomes as lawyers and because former staffers seem to have the inside track on money, know-how and political connections necessary for a successful run for office.

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Pete Wilson's decision

For Pete Wilson, 1989 seemed destined to be a year to relax and savor the pleasures of political success. He had just won re-election to a second six-year term in the Senate. George Bush, his friend and fellow Yale alumnus, was moving into the White House. Dan Quayle, Wilson's even closer friend from their service together as super-hawks on the Senate Armed Services Committee, had weathered criticism and derision to become vice president. Wilson and his wife, Gayle, seemed very much at home in Washington, entertaining friends at dinner parties with their hokey yet charming renditions of Broadway show tunes.

IT ALL SEEMED SO COZY and comfortable. And yet, who would have guessed that George Deukmejian could change it all overnight?

What happened, of course, is that Deukmejian decided not to seek a third term as governor. Wilson was then urged by party leaders to run for governor in 1990. After weeks of pondering the possibility, Wilson announced his intention to do exactly that.

But why did Wilson agree to spend the next two years dashing madly from coast to coast, raising and spending obscene amounts of money — all to win yet another office and give up the one on which he had just won a six-year lease?

Keep in mind that the flow usually goes the other way these days. The former governors who now serve in the Senate include Charles Robb of Virginia, Bob Graham of Florida, Terry Sanford of North Carolina, Bob Kerry of Nebraska and Christopher (Kit) Bond of Missouri. In their cases, there was commentary that it was something of a step up to move from the mundane realities of state highway funding to the grand federal issues of war, peace and prosperity.

The strong sense of duty and loyalty of Wilson, an ex-Marine, is a partial explanation for his decision to seek a move in the other direction. Republican leaders, including Bush and former President Ronald Reagan, told Wilson he was his party's best shot to keep the governorship in GOP hands as California prepares for the legislative and congressional reapportionment that will follow the 1990 census.

Such pleas to run had some crass political advantages as well. The "Draft Pete" lobbying gave Wilson a defense against a charge of opportunism in deciding to run for another office so soon after voters sent him back to Washington. It also put the onus for raising millions of dollars for the campaign on the Republican bigshots who begged him to run.

Wilson, a former San Diego mayor, also said he was attracted by the executive role played by a governor. Although Wilson would miss the lofty opportunity to dabble in international issues like Star Wars and Middle East policy, he would trade a senator's one-in-a-hundred vote for a governor's power to shape policy on state issues.

Some of those close to Wilson confide that a hidden attraction of running for governor was the distant yet alluring possibility that this might help him someday to run for the biggest office of all — the presidency. California's top politicians are usually considered presidential or vice-presidential material at some point, and the bland but reliable Wilson may not be an exception.

If so, these Wilson advisers say, the most impressive possible resume he could offer in a presidential candidacy would be one including not only Senate service but a term or two as the chief executive of the largest state. In a presidential campaign, a senator (like Democrats Albert Gore or Paul Simon or Republican Robert Dole last year) must spend much of his time disputing the notion he lacks executive experience. A governor (like Democrat Michael Dukakis last year or Republican Ronald Reagan in 1980) must prove he is up to handling national and international issues. As a governor and former senator, Wilson would have a rebuttal on both scores.

In announcing his candidacy, all but irrevocably, at the state Republican convention in February, Wilson offered a revealing preview of what he intends to offer California voters.

Wilson, it seems, is running for governor as a kinder, gentler Deukmejian.

The senator gave only passing praise to the departing governor in his speech to the faithful of their party ("Ronald Reagan did his turn as governor superbly, just as Duke is doing his.") The rest of the speech was a laundry list of all the improvements that Wilson would make if he were governor.

If the theme sounds familiar, that may be because it was the one that got Wilson's friend George Bush the presidency. Reagan's vice president campaigned last year by professing utter loyalty to his mentor while emphasizing at every turn the need for a "kinder, gentler" nation. In some cases, Wilson's promised improvements on the Deukmejian record echoed the changes that Bush promised to make in Reagan's brand of staunch conservatism.

Wilson promised to "protect our coastline and our water." While Reagan and Deukmejian were both supporters of offshore oil drilling, Wilson takes credit for persuading Bush to postpone drilling off the northern and southern ends of California "indefinitely."

WILSON ALSO EMPHASIZED EFFORTS to seek a cure for AIDS. Wilson and Bush have endorsed legislation to prohibit discrimination against those with AIDS. Reagan spurned that idea, and Deukmejian vetoed state legislation to protect AIDS victims from bias.

Wilson's kinder/gentler theme may be more than just a matter of copying a successful campaign tactic. Wilson and Bush seem to share a more moderate and tolerant, less dogmatic brand of conservatism than the harder-edged Reagan and Deukmejian.

(Larry Liebert is Washington Bureau Chief of the San Francisco Chronicle.*)*

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